E/1998/22
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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

REPORT ON THE SIXTEENTH AND SEVENTEENTH SESSIONS

(28 April-16 May 1997, 17 November-5 December 1997)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 1998

SUPPLEMENT No. 2

UNITED NATIONS

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

E/1998/22
E/C.12/1997/10

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ABBREVIATIONS

ACC	Administrative Committee on Coordination
AIDS	Acquired immune deficiency syndrome
CEDAW	Committee on the Elimination of Discrimination against Women
ECLAC	Economic Commission for Latin America and the Caribbean
FAO	Food and Agriculture Organization of the United Nations
HIV	Human immunodeficiency virus
IFAD	International Fund for Agricultural Development
ILO	International Labour Organization
IMF	International Monetary Fund
IOM	International Organization for Migration
OECD	Organisation for Economic Cooperation and Development
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
WFP	World Food Programme
WHO	World Health Organization
World Bank	International Bank for Reconstruction and Development

Chapter I

DRAFT DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL 1/

Sixteenth session

DRAFT DECISION I

Extraordinary additional session for the Committee on Economic, Social and Cultural Rights

The Economic and Social Council, concerned that there is currently a backlog of reports awaiting consideration by the Committee on Economic, Social and Cultural Rights which will take up to three years to clear on the basis of existing arrangements, and welcoming the adoption by the Committee at its sixteenth session in May 1997 of a range of additional procedural reforms designed to improve and expedite the reporting arrangements, approves, on an exceptional basis, the holding of one additional three-week session of the Committee in the course of 1998, as well as a pre-sessional working group of one week's duration.

DRAFT DECISION II

(Resolution adopted by the Committee 2/)

Holding of the nineteenth session of the Committee on Economic, Social and Cultural Rights in New York (16 November-4 December 1998)

The Committee on Economic, Social and Cultural Rights,

Noting that the resolution by which it was originally established provided that its sessions would alternate between Geneva and New York,

Emphasizing the need to make its activities and concerns accessible to a wider range of participants,

Noting that there is a very different potential constituency which might follow its work in New York, including government delegations, non-governmental organizations, the media and international agencies,

Noting also that one of every three sessions of the Human Rights Committee is held in New York and that this has contributed very significantly to improving the profile and prominence of the work of that Committee,

Requests that the Economic and Social Council consider approval of the following decision:

> The Economic and Social Council, noting that the effectiveness and profile of the work of the Committee on Economic, Social and Cultural Rights could be further enhanced by holding occasional sessions in New York, approves the holding of the Committee's nineteenth session, in late 1998, in New York.

DRAFT DECISION III

Payment of honoraria to members of the Committee on Economic, Social and Cultural Rights

The Economic and Social Council, recalling its decisions 1993/297 of 28 July 1993 and 1995/302 A of 25 July 1995 to approve the payment of an honorarium to members of the Committee on Economic, Social and Cultural Rights, noting that this request was forwarded to the General Assembly in 1993 and 1995 and that no action has yet been taken on the matter, and noting further that honoraria are already being paid to members of the Human Rights Committee, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, calls upon the General Assembly to take prompt action to remedy the situation by approving the payment of an honorarium, as from 1997, for the members of the Committee on Economic, Social and Cultural Rights.

DRAFT DECISION IV

(Resolution adopted by the Committee 2/)

Extraordinary additional session of the pre-sessional working group of the Committee on Economic, Social and Cultural Rights (20-24 April 1998)

The Committee on Economic, Social and Cultural Rights,

Underlining the importance attached to the adoption of General Comments,

Noting that it has been able to adopt only seven such General Comments since its establishment in 1987,

Recalling its decision of May 1997 to initiate the drafting of a range of General Comments for consideration and adoption by the Committee over the next two years or so,

Having concluded that the most efficient manner of proceeding is to entrust a working group with responsibility for undertaking a careful initial review and revision of drafts to be prepared by individual members,

1. Decides to schedule, on an exceptional basis and from within existing resources, a one-week ad hoc working group meeting of five members specifically designated for that purpose, immediately before its eighteenth session, in April 1998;

2. Requests that the Economic and Social Council consider approval of the above decision of the Committee.

Chapter II

ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Covenant

1. As at 5 December 1997, the closing date of the seventeenth session of the Committee on Economic, Social and Cultural Rights, 137 States had ratified or acceded to the International Covenant on Economic, Social and Cultural Rights, which was adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 and opened for signature and ratification in New York on 19 December 1966. The Covenant entered into force on 3 January 1976 in accordance with the provisions of its article 27. A list of States parties to the Covenant is contained in annex I to the present report.

B. Sessions and agenda

2. The Committee on Economic, Social and Cultural Rights, at its twelfth session, requested the Economic and Social Council to authorize the holding of two annual sessions of the Committee, in May and November-December, each of three weeks' duration, in addition to a pre-sessional working group of five members to meet for five days immediately after each session to prepare the list of issues for consideration at the subsequent session. 1/ The Economic and Social Council, by its resolution 1995/39 of 25 July 1995, endorsed the Committee's recommendation. Accordingly, in 1997, the Committee held its sixteenth session from 28 April to 16 May and its seventeenth session from 17 November to 5 December. Both sessions were held at the United Nations Office at Geneva. The agenda for each session is shown in annex III to the present report.

3. An account of the Committee's deliberations at its sixteenth and seventeenth sessions is contained in the relevant summary records (E/C.12/1997/SR.1-26 and E/C.12/1997/SR.27-54/Add.1, respectively).

C. Membership and attendance

4. All members of the Committee attended the sixteenth session. Mr. Ivan Antanovich, Mr. Dumitru Ceausu and Mr. Kenneth Osborne Rattray attended only part of the session. All members of the Committee attended the seventeenth session. Mr. Dumitru Ceausu, Mr. Oscar Ceville and Mr. Kenneth Osborne Rattray attended only part of the session.

5. The following specialized agencies and United Nations organs were represented by observers at the sixteenth session: ILO, FAO, UNESCO, WHO, UNHCR and UNDP; and at the seventeenth session: ILO, WHO, UNHCR and UNDP.

6. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers at the sixteenth session:

General consultative status:	International Confederation of Free Trade Unions, World Federation of United Nations Associations

Special consultative status: American Association of Jurists, Commission for the Defense of Human Rights in Central America, Habitat International Coalition, International Commission of Jurists, International Federation of Human Rights Leagues, International Organization for the Development of Freedom of Education, International Service for Human Rights, OXFAM

Roster: American Association for the Advancement of Science, FIAN - Foodfirst Information and Action Network

and at the seventeenth session:

General consultative status: International Confederation of Free Trade Unions, World Federation of United Nations Associations

Special consultative status: American Association of Jurists, Habitat International Coalition, International Commission of Jurists, International Federation of Human Rights Leagues, International Federation Terre des Hommes, International Organization for the Development of Freedom of Education, International Service for Human Rights, Women's International League for Peace and Freedom

Roster: American Association for the Advancement of Science, FIAN - Foodfirst Information and Action Network.

7. The following international and national non-governmental organizations were also represented by observers at the sixteenth session: Arab Studies Society (Israel); Asociación Pro-Derechos Humanos (Peru); Coordinadora Nacional de Derechos Humanos (Peru); Latin American Committee for the Defence of Women's Rights; Palestine Human Rights Information Centre (Israel); and at the seventeenth session: Centre for Housing Rights and Evictions (Switzerland); Ciudad Alternativa (Dominican Republic); Comité para la Defensa de los Derechos Barriales (COPADEBA) (Dominican Republic); Committee on the Administration of Justice (United Kingdom); Scottish Council for Civil Liberties (United Kingdom); Service Peace and Justice in Latin America; Standing Advisory Commission on Human Rights in Northern Ireland (United Kingdom).

D. Pre-sessional working group

8. The Economic and Social Council, in its resolution 1988/4 of 24 May 1988, authorized the establishment of a pre-sessional working group composed of five members to be appointed by the Chairperson to meet for up to

one week prior to each session. By decision 1990/252 of 25 May 1990, the Council authorized the meetings of the working group to be held one to three months prior to a session of the Committee.

9. The Chairperson of the Committee, in consultation with the members of the Bureau, designated the following individuals as members of the pre-sessional working group to meet:

Prior to the sixteenth session:

Mr. Abdessatar GRISSA

Ms. María de los Angeles JIMENEZ BUTRAGUEÑO

Mr. Valeri KOUZNETSOV

Mr. Nutan THAPALIA

Mr. Javier WIMER ZAMBRANO

Prior to the seventeenth session:

Ms. Virginia BONOAN-DANDAN

Mr. Dumitru CEAUSU

Ms. María de los Angeles JIMENEZ BUTRAGUEÑO

Mr. Valeri KOUZNETSOV

Mr. Kenneth Osborne RATTRAY.

10. The pre-sessional working group held its meetings at the United Nations Office at Geneva from 9 to 13 December 1996 and from 20 to 23 May 1997, respectively. All members of the working group, except Mr. Kenneth Osborne Rattray, attended its meetings. The working group identified issues that might most usefully be discussed with the representatives of the reporting States and lists of such questions were transmitted to the permanent missions of the States concerned.

E. Election of officers

11. In accordance with rule 14 of its rules of procedure, the Committee, at the 1st and 6th meetings of its sixteenth session, elected the members of its Bureau, as follows:

Chairperson:	Mr. Philip ALSTON
Vice-Chairpersons:	Mr. Abdessatar GRISSA
	Mr. Dumitru CEAUSU
	Mr. Kenneth Osborne RATTRAY
Rapporteur:	Ms. Virginia BONOAN-DANDAN

F. Organization of work

Sixteenth session

12. The Committee considered its organization of work at its 1st meeting on 28 April, 3rd meeting on 29 April and 13th meeting on 6 May 1997. In connection with this item, the Committee had before it the following documents:

(a) Draft programme of work for the sixteenth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/1997/L.1);

(b) Reports of the Committee on the work of its first (E/1987/28), second (E/1988/14), third (E/1989/22), fourth (E/1990/23), fifth (E/1991/23), sixth (E/1992/23), seventh (E/1993/22), eighth and ninth (E/1994/23), tenth and eleventh (E/1995/22), twelfth and thirteenth (E/1996/22), and fourteenth and fifteenth sessions (E/1997/22).

13. In accordance with rule 8 of its rules of procedure, the Committee, at its 1st meeting on 28 April 1997, considered the draft programme of work for its sixteenth session and approved it, as amended during consideration (see E/C.12/1997/L.1/Rev.1).

Seventeenth session

14. The Committee considered its organization of work at its 27th meeting on 17 November, 29th meeting on 18 November and 54th meeting on 5 December 1997. In connection with this item, the Committee had before it the following documents:

(a) Draft programme of work for the seventeenth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/1997/L.2);

(b) Reports of the Committee on the work of its first (E/1987/28), second (E/1988/14), third (E/1989/22), fourth (E/1990/23), fifth (E/1991/23), sixth (E/1992/23), seventh (E/1993/22), eighth and ninth (E/1994/23), tenth and eleventh (E/1995/22), twelfth and thirteenth (E/1996/22), and fourteenth and fifteenth sessions (E/1997/22).

15. In accordance with rule 8 of its rules of procedure, the Committee, at its 27th meeting on 17 November 1997, considered the draft programme of work for its seventeenth session and approved it, as amended during consideration (see E/C.12/1997/L.2/Rev.1).

G. Next session

16. In accordance with the established schedule, the eighteenth and nineteenth sessions would take place from 27 April to 15 May 1998 and from 16 November to 4 December 1998, respectively.

H. States parties' reports scheduled for consideration by the Committee at its eighteenth session

17. The Committee, at its 54th meeting on 5 December 1997, decided that the following States parties' reports would be considered at its eighteenth session:

Initial reports concerning articles 1 to 15 of the Covenant

Nigeria	E/1990/5/Add.31
Sri Lanka	E/1990/5/Add.32

Second periodic reports concerning articles 1 to 15 of the Covenant

Netherlands	E/1990/6/Add.11
Netherlands Antilles	E/1990/6/Add.12
Netherlands: Aruba	E/1990/6/Add.13

Third periodic reports concerning articles 1 to 15 of the Covenant

Poland	E/1994/104/Add.13

18. The Committee also decided that it would review the implementation of the provisions of the Covenant in Solomon Islands, which had not submitted any report at all since its ratification of the Covenant, on the basis of any information that might be available to the Committee.

I. Composition of the pre-sessional working group

Eighteenth session

19. The Chairperson of the Committee designated the following members to serve on the pre-sessional working group: Mr. A. Grissa, Mr. V. Kouznetsov, Mr. A. G. Pillay, Mr. W. M. Sadi and Mr. J. Wimer Zambrano.

Nineteenth session

20. The Chairperson of the Committee designated the following members to serve on the pre-sessional working group: Mr. M. S. Ahmed, Ms. V. Bonoan-Dandan, Mr. O. Ceville, Ms. M. Jiménez Butragueño and Mr. V. Kouznetsov.

Chapter III

OVERVIEW OF THE PRESENT WORKING METHODS OF THE COMMITTEE

21. This chapter of the Committee's report aims at providing a concise and up-to-date overview and explanation of the ways in which the Committee on Economic, Social and Cultural Rights carries out its various functions. It is designed to make the Committee's current practice more transparent and readily accessible so as to assist States parties and others interested in the implementation of the Covenant.

22. Since its first session, in 1987, the Committee has made a concerted effort to devise appropriate working methods which adequately reflect the nature of the tasks with which it has been entrusted. In the course of its 17 sessions it has sought to modify and develop these methods in the light of its experience. These methods will continue to evolve.

A. General guidelines for reporting

23. The Committee attaches major importance to the need to structure the reporting process and the dialogue with each State party's representatives in such a way as to ensure that the issues of principal concern to it are dealt with in a methodical and informative manner. For this purpose, the Committee has adopted detailed reporting guidelines 4/ with a view to assisting States in the reporting process and improving the effectiveness of the monitoring system as a whole. The Committee strongly urges all States parties to report to it in accordance with the guidelines to the greatest extent possible. These guidelines will be revised in the course of the Committee's next session(s) in order to reflect more fully the issues dealt with by the major world conferences held in recent years.

B. Examination of States parties' reports

1. Work of the pre-sessional working group

24. A pre-sessional working group meets, for five days, prior to each of the Committee's sessions. It is composed of five members of the Committee nominated by the Chairperson, taking account of the desirability of a balanced geographical distribution.

25. The principal purpose of the working group is to identify in advance the questions which might most usefully be discussed with the representatives of the reporting States. The aim is to improve the efficiency of the system and to facilitate the task of States' representatives by providing advance notice of many of the principal issues which will arise in the examination of the reports. 5/

26. It is generally accepted that the complex nature and diverse range of many of the issues raised in connection with the implementation of the Covenant constitute a strong argument in favour of providing States parties with the possibility of preparing in advance to answer some of the principal questions arising out of their reports. Such an arrangement also enhances the likelihood that the State party will be able to provide precise and detailed information.

27. With regard to its own working methods, the working group, in the interests of efficiency, allocates to each of its members initial responsibility for undertaking a detailed review of a specific number of reports and for putting before the group a preliminary list of issues. The decision as to how the reports should be allocated for this purpose is based in part on the areas of expertise of the member concerned. Each draft by a country rapporteur is then revised and supplemented on the basis of observations by the other members of the group and the final version of the list is adopted by the group as a whole. This procedure applies equally to both initial and periodic reports.

28. In preparation for the pre-sessional working group, the Committee has asked the Secretariat to place at the disposal of its members a country analysis as well as all pertinent documents containing information relevant to each of the reports to be examined. For this purpose, the Committee has invited all concerned individuals, bodies and non-governmental organizations to submit relevant and appropriate documentation to the Secretariat. It has also asked the Secretariat to ensure that certain types of information are regularly placed in the relevant files.

29. In order to ensure that the Committee is as well informed as possible, it provides opportunities for non-governmental organizations to submit relevant information to it. They may do this in writing at any time. The Committee's pre-sessional working group is also open to the submission of information in person or in writing from any non-governmental organizations, provided that it relates to matters on the agenda of the working group. In addition, the Committee sets aside part of the first afternoon at each of its sessions to enable representatives of non-governmental organizations to provide oral information. Such information should: (a) focus specifically on the provisions of the International Covenant on Economic, Social and Cultural Rights; (b) be of direct relevance to matters under consideration by the Committee; (c) be reliable; (d) not be abusive. The relevant meeting is open and provided with interpretation services, but is not covered by summary records.

30. The Committee has requested the Secretariat to ensure that any written information formally submitted to it by individuals or non-governmental organizations in relation to the consideration of a specific State party report is made available as soon as possible to the representative of the State concerned.

31. The lists of issues drawn up by the working group are given directly to a representative of the States concerned, along with a copy of the Committee's most recent report and with a note stating, inter alia, the following:

> "The list is not intended to be exhaustive and it should not be interpreted as limiting or in any other way prejudging the type and range of questions which members of the Committee might wish to ask. However, the working group believes that the constructive dialogue which the Committee wishes to have with the representatives of the State party can be facilitated by making the list available in advance of the Committee's session. In order to improve the dialogue that the Committee seeks, it strongly urges each State party to provide in writing its replies to the list of issues and to do so sufficiently in

> advance of the session at which its report will be considered to enable the replies to be translated and made available to all members of the Committee."

32. In addition to the task of formulating the lists of issues, the pre-sessional working group is also entrusted with a variety of other tasks designed to facilitate the work of the Committee as a whole. These have included: discussing the most appropriate allocation of time for the consideration of each State report; considering the issue of how best to respond to supplementary reports containing additional information; examining draft general comments; considering how best to structure the day of general discussion; and other relevant matters.

2. Presentation of the report

33. In accordance with the established practice of each of the United Nations human rights treaty monitoring bodies, representatives of the reporting States are entitled, and indeed are strongly encouraged, to be present at the meetings of the Committee when their reports are examined. The following procedure is generally followed. The representative of the State party is invited to introduce the report by making brief introductory comments and introducing any written replies to the list of issues drawn up by the pre-sessional working group. The Committee then considers the report on an article-by-article basis, taking particular account of the replies furnished in response to the list of issues. During this period, representatives of relevant specialized agencies and other international bodies are also able to contribute to the dialogue. The representatives of the State party are invited to reply immediately to questions that do not require further reflection or research. Other questions remaining to be answered are taken up at a subsequent meeting. Members of the Committee are free to pursue specific issues in the light of the replies thus provided. Questions which cannot adequately be dealt with in this manner may be the subject of additional information provided to the Committee in writing.

34. The final phase of the Committee's examination of the report consists of the drafting and adoption of its concluding observations. For this purpose, the Committee usually sets aside a brief period, in closed session, to enable its members to express their preliminary views. The country rapporteur then prepares, with the assistance of the Secretariat, a draft set of concluding observations for consideration by the Committee. The agreed structure of the concluding observations is as follows: introduction; positive aspects; factors and difficulties impeding the implementation of the Covenant; principal subjects of concern; and suggestions and recommendations. At a later stage, the Committee then discusses the draft, again in private session, with a view to adopting it by consensus.

35. The concluding observations are formally adopted in public session on the final day of the session. As soon as this occurs they are considered to have been made public and are available to all interested parties. They are forwarded as soon as possible to the State party concerned and included in the Committee's report. If it so wishes, the State party may address any of the Committee's concluding observations in the context of any additional information which it provides to the Committee.

36. In general, the Committee devotes three meetings (of three hours each) to its public examination of each global report (dealing with articles 1-15). In addition, it generally devotes between two and three hours towards the end of the session, in private, to its discussion of each set of concluding observations.

3. Deferrals of the presentation of reports

37. Last-minute requests by States to defer the presentation of a report which has been scheduled for consideration at a particular session are extremely disruptive for all concerned and have caused major problems for the Committee in the past. Accordingly, the Committee's long-standing policy is not to grant such requests and to proceed with its consideration of all scheduled reports, even in the absence of a representative of the State concerned.

C. Procedures in relation to follow-up action

38. In situations in which the Committee considers that additional information is necessary to enable it to continue its dialogue with the State party concerned, there are several options that might be pursued:

(a) The Committee might note that specific issues should be addressed in a detailed manner in the State party's next periodic report, which would normally be due in five years' time;

(b) The Committee might take note specifically of the State party's stated intention to submit additional information in writing, particularly in response to questions posed by the members of the Committee;

(c) The Committee might specifically request that additional information, relating to matters that it would identify, be submitted to the Committee within six months, thus enabling it to be considered by the pre-sessional working group. In general, the working group could recommend one or another of the following responses to the Committee:

- (i) That it take note of such information;
- (ii) That it adopt specific concluding observations in response to that information;
- (iii) That the matter be pursued through a request for further information; or
- (iv) That the Committee's Chairperson be authorized to inform the State party, in advance of the next session, that the Committee would take up the issue at its next session and that, for that purpose, the participation of a representative of the State party in the work of the Committee would be welcome;

(d) The Committee might determine that the receipt of additional information is urgent and request that it be provided within a given time-limit (perhaps two to three months). In such a case, the Chairperson, in consultation with the members of the Bureau, could be authorized to follow up the matter with the State party if no response is received or if the response is patently unsatisfactory.

39. In situations in which the Committee considers that it is unable to obtain the information it requires on the basis of the above-mentioned procedures, it may decide to adopt a different approach instead. In particular, the Committee may, as has already been done in connection with two States parties, request that the State party concerned accept a mission consisting of one or two members of the Committee. Such a decision would be taken only after the Committee had satisfied itself that there was no adequate alternative approach available to it and that the information in its possession warranted such an approach. The purposes of such an on-site visit would be: (a) to collect the information necessary for the Committee to continue its constructive dialogue with the State party and to enable it to carry out its functions in relation to the Covenant; (b) to provide a more comprehensive basis upon which the Committee might exercise its functions in relation to articles 22 and 23 of the Covenant concerning technical assistance and advisory services. The Committee would state specifically the issue(s) with respect to which its representative(s) would seek to gather information from all available sources. The representative(s) would also have the task of considering whether the programme of advisory services administered by the Office of the United Nations High Commissioner for Human Rights could be of assistance in connection with the specific issue at hand.

40. At the conclusion of the visit, the representative(s) would report to the Committee. In the light of the report presented by its representative(s), the Committee would then formulate its own conclusions. Those conclusions would relate to the full range of functions carried out by the Committee, including those relating to technical assistance and advisory services.

41. In a case where the State party concerned did not accept the proposed mission, the Committee would consider making whatever recommendations might be appropriate to the Economic and Social Council.

D. Procedure in response to non-submitted and considerably overdue reports

42. The Committee believes that a situation of persistent non-reporting by States parties risks bringing the entire supervisory procedure into disrepute, thereby undermining one of the foundations of the Covenant.

43. Accordingly, the Committee resolved at its sixth session to begin in due course to consider the situation concerning the implementation of the Covenant in respect of each State party whose reports are very significantly overdue. At its seventh session it resolved to begin scheduling consideration of such reports at its future sessions and to notify the States parties concerned. It began to apply this procedure at its ninth session.

44. The Committee has adopted the following procedure:

(a) To select States parties whose reports are very much overdue on the basis of the length of time involved;

(b) To notify each such State party that the Committee intends to consider the situation with respect to that country at a specified future session;

(c) To move, in the absence of any report, to consider the status of economic, social and cultural rights in the light of all available information;

(d) To authorize its Chairperson, in situations where the State party concerned indicates that a report will be provided to the Committee and upon a request from the State party, to defer consideration of the situation for one session, but not longer.

E. Day of general discussion

45. At each session, the Committee devotes one day, usually the Monday of the third week, to a general discussion of a particular right or of a particular aspect of the Covenant. The purpose is twofold: the day assists the Committee in developing in greater depth its understanding of the relevant issues; and it enables the Committee to encourage inputs into its work from all interested parties. The following issues have been the focus of discussion: the right to adequate food (third session); the right to housing (fourth session); economic and social indicators (sixth session); the right to take part in cultural life (seventh session); the rights of the ageing and elderly (eighth session); the right to health (ninth session); the role of social safety nets (tenth session); human rights education (eleventh session); the interpretation and practical application of the obligations incumbent on States parties (twelfth session); a draft optional protocol to the Covenant (thirteenth, fourteenth and fifteenth sessions); revision of the general guidelines for reporting (sixteenth session); and the normative content of the right to food (seventeenth session).

F. Other consultations

46. The Committee has sought to coordinate its activities with those of other bodies to the greatest extent possible and to draw as widely as it can on available expertise in the fields of its competence. For this purpose, it has consistently invited individuals such as special rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, chairpersons of Commission on Human Rights working groups and others to address it and engage in discussions.

47. The Committee has also sought to draw on the expertise of the relevant specialized agencies and United Nations organs, both in its work as a whole and, more particularly, in the context of its general discussions.

48. In addition, the Committee has invited a variety of experts who have a particular interest in, and knowledge of, some of the issues under review to contribute to its discussions. These contributions have added considerably to its understanding of some aspects of the questions arising under the Covenant.

G. General comments

49. In response to an invitation addressed to it by the Economic and Social Council, the Committee decided to begin, as from its third session, the preparation of general comments based on the various articles and provisions of the International Covenant on Economic, Social and Cultural Rights with a view to assisting the States parties in fulfilling their reporting obligations.

50. By the end of its seventeenth session, the Committee and the Sessional Working Group of Governmental Experts which existed prior to the creation of the Committee had examined 153 initial reports, 71 second periodic reports concerning rights covered by articles 6 to 9, 10 to 12 and 13 to 15 of the Covenant, and 45 global reports. This work covered a significant number of the States parties to the Covenant, which totalled 137 at the end of the seventeenth session. They represented all regions of the world, with different political, legal, socio-economic and cultural systems. Their reports submitted so far had illustrated many of the problems which might arise in implementing the Covenant, although they had not yet provided any complete picture of the global situation with regard to the enjoyment of economic, social and cultural rights.

51. The Committee endeavours, through its general comments, to make the experience gained so far through the examination of States' reports available for the benefit of all States parties in order to assist and promote their further implementation of the Covenant; to draw the attention of the States parties to insufficiencies disclosed by a large number of reports; to suggest improvements in the reporting procedures; and to stimulate the activities of the States parties, international organizations and the specialized agencies concerned in achieving progressively and effectively the full realization of the rights recognized in the Covenant. Whenever necessary, the Committee may, in the light of the experience of States parties and of the conclusions drawn therefrom, revise and update its general comments.

52. The Committee has so far adopted the following general comments: General Comment No. 1 (1989) on reporting by States parties; General Comment No. 2 (1990) on international technical assistance measures; General Comment No. 3 (1990) on the nature of States parties' obligations; General Comment No. 4 (1991) on the right to adequate housing; General Comment No. 5 (1994) on the rights of persons with disabilities; General Comment No. 6 (1995) on the economic, social and cultural rights of older persons; General Comment No. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant): forced evictions; and General Comment No. 8 (1997) on the relationship between economic sanctions and respect for economic, social and cultural rights.

Chapter IV

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

53. In accordance with rule 58 of its rules of procedure, the Committee, at its 54th meeting on 5 December 1997, considered the status of submission of reports under articles 16 and 17 of the Covenant.

54. In that connection, the Committee had before it the following documents:

(a) Note by the Secretary-General on the revised general guidelines regarding the form and contents of reports to be submitted by States parties (E/C.12/1991/1);

(b) Note by the Secretary-General on States parties to the Covenant and the status of submission of reports as at 15 August 1997 (E/C.12/1997/6);

(c) Note by the Secretariat on follow-up to the consideration of reports under articles 16 and 17 of the Covenant (E/C.12/1997/7).

55. The Secretary-General informed the Committee that, in addition to the reports scheduled for consideration by the Committee at its seventeenth session (see para. 61 below), he had received, as at 5 December 1997, the reports submitted under articles 16 and 17 of the Covenant by the following States parties:

> Initial reports of Nigeria, (E/1990/5/Add.31) and Sri Lanka (E/1990/5/Add.32); third periodic reports of Cyprus (E/1994/104/Add.12) and Poland (E/1994/104/Add.13); second periodic reports of the Netherlands (E/1990/6/Add.11), Netherlands Antilles (E/1990/6/Add.12) and Netherlands: Aruba (E/1990/6/Add.13); initial report of Switzerland (E/1990/5/Add.33); third periodic report of Germany (E/1994/104/Add.14); second periodic report of Tunisia (E/1990/6/Add.14); third periodic reports of Denmark (E/1994/104/Add.15) and Bulgaria (E/1994/104/Add.16); initial report of Ireland (E/1990/5/Add.34); second periodic report of Iceland (E/1990/6/Add.15); initial report of Cameroon (E/1990/5/Add.35); second periodic report of Argentina (E/1990/6/Add.16); third periodic report of Canada (E/1994/104/Add.17); initial report of Armenia (E/1990/5/Add.36); third periodic report of Mexico (E/1994/104/Add.18); initial report of Georgia (E/1990/5/Add.37); third periodic reports of Italy (E/1994/104/Add.19) and Portugal (E/1994/104/Add.20); initial reports of Egypt (E/1990/5/Add.38) and Israel (E/1990/5/Add.39); and second periodic reports of Jordan (E/1990/6/Add.17) and Belgium (E/1990/6/Add.18).

56. In accordance with rule 57, paragraph 1, of the Committee's rules of procedure, a list of States parties together with an indication of the status of submission of their reports is contained in annex I to the present report. In accordance with rule 57, paragraph 2, the Committee made a number of recommendations to the Economic and Social Council which are included in chapters I and VII of the present report.

Chapter V

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Sixteenth session

57. At its sixteenth session, the Committee examined five reports submitted by five States parties under articles 16 and 17 of the Covenant and reviewed the implementation of the provisions of the Covenant in the Central African Republic in accordance with the decision taken at its ninth session. 6/ It devoted 17 of the 26 meetings it held during the sixteenth session to the consideration of these matters.

58. The reports before the Committee at its sixteenth session were the following:

Initial reports concerning articles 1 to 15 of the Covenant

Libyan Arab Jamahiriya	E/1990/5/Add.26
Guyana	E/1990/5/Add.27
Zimbabwe	E/1990/5/Add.28
Peru	E/1990/5/Add.29

Third periodic reports concerning articles 1 to 15 of the Covenant

Russian Federation	E/1994/104/Add.8

59. In accordance with rule 62 of the Committee's rules of procedure, representatives of all the reporting States were invited to participate in the meetings of the Committee when their reports were examined. All the States parties whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports.

Seventeenth session

60. At its seventeenth session, the Committee examined six reports submitted by six States parties under articles 16 and 17 of the Covenant and reviewed the implementation of the provisions of the Covenant in Saint Vincent and the Grenadines in accordance with the decision taken at its ninth session. 6/ It devoted 22 of the 28 meetings it held during the seventeenth session to the consideration of these matters.

61. The following reports were before the Committee at its seventeenth session:

Initial reports concerning articles 1 to 15 of the Covenant

Azerbaijan	E/1990/5/Add.30

Second periodic reports concerning articles 1 to 15 of the Covenant

Dominican Republic	E/1990/6/Add.7
Luxembourg	E/1990/6/Add.9
Uruguay	E/1990/6/Add.10

Third periodic reports concerning articles 1 to 15 of the Covenant

Iraq	E/1994/104/Add.9
United Kingdom of Great Britain and Northern Ireland	E/1994/104/Add.11

62. In accordance with rule 62 of the Committee's rules of procedure, representatives of all the reporting States were invited to participate in the meetings of the Committee when their reports were examined. All the States parties whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports. In accordance with a decision adopted by the Committee at its second session, the names and positions of the members of each State party's delegation are listed in annex X to the present report.

63. At its eighth session the Committee had decided to discontinue its practice of including in its annual report summaries of the consideration of country reports. In accordance with modified rule 57 of the Committee's rules of procedure, the annual report should contain, *inter alia*, the concluding observations of the Committee relating to each State party's report. Accordingly, the following paragraphs, arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of the reports, contain the concluding observations adopted by the Committee with respect to the States parties' reports considered at its sixteenth and seventeenth sessions.

Sixteenth session

ZIMBABWE

64. The Committee considered the initial report of Zimbabwe on articles 1 to 15 of the Covenant (E/1990/5/Add.28) at its 8th to 10th and 14th meetings on 2, 5 and 7 May 1997 and, at its 25th meeting on 15 May 1997, adopted the following concluding observations.

A. Introduction

65. The Committee expresses its appreciation to the State party for its initial report, prepared in partial conformity with the Committee's guidelines, and for its written replies, albeit incomplete, to the list of issues made available to it before the session. The Committee notes that the report provided information that was excessively general in content and that very few statistics were provided. The delegation indicated that it would endeavour to obtain some of the missing information for the Committee's consideration before the end of the session, but, unfortunately, this information was not received. In this connection, the Committee welcomes the offer of the delegation to furnish further and precise written information.

66. The Committee regrets that no official experts came from Harare, so that with respect to many points the delegation was unable to provide specific answers to the questions posed by Committee members. Nevertheless, the Committee expresses its appreciation for the frankness of the dialogue and the clear admissions made by the delegation, which recognized that there are

numerous deficiencies that must be corrected. In this connection, the Committee is sensitive to the historical legacy of Zimbabwe and acknowledges the efforts towards democratization and good governance.

B. Positive aspects

67. The Committee welcomes the fact that Zimbabwe adhered to the Covenant without any reservations. It notes that Zimbabwe has ratified several other human rights instruments, including the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

68. The Committee welcomes the publicity given to the International Covenant on Economic, Social and Cultural Rights, its publication in the Official Gazette and in parliamentary journals and the public nature of parliamentary discussions on the Covenant.

69. The Committee welcomes current legal moves in Zimbabwe to bring all workers under a new consolidated labour law.

C. Factors and difficulties impeding the implementation of the Covenant

70. As to the status of the Covenant in domestic law, the Committee notes that it cannot be invoked directly before Zimbabwean courts, notwithstanding the assurances given by the delegation that its principles are generally reflected in domestic law.

71. As to domestic monitoring of respect for economic, social and cultural rights, the Committee welcomes the establishment of the Office of the Ombudsman, but regrets that the defence forces, the police and the prison service are specifically excluded from being the subject of investigation, as are the President and members of his staff, the Cabinet Office, the Attorney-General and judicial officers. Moreover, the Ombudsman has no power of initiative and can initiate an investigation only where a complaint has been lodged.

D. Principal subjects of concern

72. The Committee regrets that the State party has not provided written replies to some of its questions relating to the implementation of articles 10 to 13 and 15 of the Covenant (questions 36 to 55 and 57 in the Committee's list of issues) and that, during the oral presentation by the delegation and during the dialogue with Committee members, little additional information and no statistics were forthcoming.

73. Despite the Government's stated policy of *de jure* equality of men and women, the Committee views the situation of women in Zimbabwean society, particularly in rural districts, as very unsatisfactory. It is concerned about de facto discrimination against women, attributable to traditional practices such as arranged marriages of children and forced marriages of widows with a late husband's brother. Such practices are incompatible with article 3 of the Covenant.

74. The Committee regrets that, pursuant to the Constitution of Zimbabwe, public servants, teachers and nurses cannot join unions, and that doctors and nurses who have organized strikes have been subjected to arrest and dismissal.

75. The Committee is concerned about the continued use of child labour, as referred to in paragraph 76 of the State party's report. Such practices are in contravention of article 10 of the Covenant.

76. Despite the fact that the "extended family" provides a safety net for some of the homeless, the Committee notes that the situation in relation to the right to housing remains clearly inadequate. The Committee is particularly concerned about the precarious situation of persons living in illegal structures or unauthorized housing (para. 107 of the report). People should not be subjected to forced eviction unless this is done under conditions compatible with the Covenant.

77. The Committee expresses concern about cutbacks in education expenditure, which result in non-compliance with article 13, paragraph 2 (a), of the Covenant, requiring free, compulsory and universal primary education.

E. Suggestions and recommendations

78. The Committee draws attention to the obligations of Zimbabwe to ensure that its undertakings under the Covenant are appropriately reflected in domestic law and policy and urges the Government to provide appropriate access to the courts to uphold the relevant rights.

79. Although many provisions of the Covenant are to be implemented progressively and in accordance with the maximum of the State party's available resources, there are other rights that must be ensured immediately, such as *de jure* non-discrimination and protection of the cultural rights of minorities.

80. The Committee urges that priority be given to the promotion of the role of women in society, and that an end be put to all de facto discrimination against them. In particular, it recommends that programmes be introduced with a view to redressing the imbalances in the status of women in society, particularly in rural districts.

81. Apart from the measures referred to in paragraph 68 above, the Committee notes that no steps have been taken to inform the public about the Covenant. The Committee therefore urges the State party to undertake an appropriate information campaign to acquaint the public, as well as government officials at all levels, with its provisions. The Committee also recommends that education programmes be extended in order to increase awareness of the provisions of the Covenant throughout society and to ensure its application in the judicial process, as well as its observance by law enforcement agencies.

82. With regard to article 8 of the Covenant, the Committee welcomes the State party's intention to consider ratification of ILO Conventions No. 87 (Freedom of Association and Protection of the Right to Organize Convention, 1948), No. 98 (Right to Organize and Collective Bargaining Convention, 1949) and No. 151 (Labour Relations (Public Service) Convention, 1978). The Committee urges the State party to harmonize its labour laws with those

Conventions as soon as possible. In particular, the Committee would welcome information on what steps have been taken to reinstate or compensate medical workers who were recently dismissed because they organized a strike.

83. The Committee recommends that a constitutional reform be undertaken to allow public servants, teachers and nurses to organize in unions, in keeping with article 8 of the Covenant, and to enable them to bargain collectively and to strike.

84. The Committee recommends that appropriate measures be taken in order more effectively to guarantee the right to housing and, in particular, to ensure that no forced evictions are carried out without alternative housing being offered, in accordance with the Committee's General Comment No. 4 (1991) on the right to adequate housing. 7/ It would also like to receive further information on the number of forced evictions carried out and on the application of article 11 of the Covenant in Zimbabwe, in particular with respect to the right to housing.

85. The Committee reminds the State party that, as a signatory to the Covenant, it is committed to ensure compulsory, free primary education to all children in Zimbabwe. Even though the Committee is aware of the current difficulties in Zimbabwe and the State party's efforts in this field, the Committee invites Zimbabwe to submit to it within a year a plan of action and a progress report concerning the implementation of this obligation.

86. Since members of the Committee requested specific information that was not provided during the examination of the State party's report, in particular on the cultural situation and the participation of minority groups in cultural life, the Committee urges the State party to submit the requested additional information and statistics within three months of receipt of the Committee's concluding observations, and in any event prior to the Committee's seventeenth session.

RUSSIAN FEDERATION

87. The Committee considered the third periodic report of the Russian Federation on articles 1 to 15 of the Covenant (E/1994/104/Add.8) at its 11th to 14th meetings on 5, 6 and 7 May 1997 and, at its 25th meeting on 15 May 1997, adopted the following concluding observations.

A. Introduction

88. The Committee appreciates the State party's submission of its third periodic report in accordance with the Committee's guidelines. It notes with interest that this was the first report of the State party after the end of the Soviet era. The Committee is grateful that the report was comprehensive and informative, and in particular that it was frank in acknowledging the serious problems that the State party is encountering in protecting the economic, social and cultural rights of the population. It also appreciates the additional information provided in response to its list of issues, which unfortunately was not provided in time to be translated. The Committee welcomes the sending of a large and high-level delegation with which it engaged in an open and constructive dialogue, as well as the provision of additional information orally by the delegation during the discussion.

B. Positive aspects

89. The Committee welcomes, to the extent that economic, social and cultural rights would thereby be promoted, efforts by the State party to develop a State based on the rule of law and the fact that it is reforming or establishing institutions to that end. The Committee also welcomes the planned reform of a whole range of institutions which are engaged in the delivery of social welfare services.

90. The Committee notes that inflation has been lowered substantially, that the decline in gross domestic product appears to have been stopped and some sectors of the economy are beginning to grow again, and that efforts are being made to improve the system of taxation and tax collection. It recognizes the importance of such a framework in providing sustainable funding for institutions designed to protect the economic, social and cultural rights of the population.

91. The Committee welcomes the statement by the representative of the State party that proposed legislation is reviewed by the executive institutions of the Government to ensure that bills are consistent with international human rights instruments, including the Covenant, before submission to the Duma for consideration. It appreciates that the Constitutional Court has cited the Covenant when deciding issues. It also appreciates that the State party's new Labour Code was inspired directly by provisions of the Covenant, as well as other pertinent international instruments, including those of ILO.

92. The Committee welcomes the 1996 law on the reform of the Judicial Branch and the 1997 bill to strengthen support to the judiciary, as well as the bill to establish a human rights ombudsman, inasmuch as the protection of economic, social and cultural rights enshrined in the Covenant is thereby enhanced.

93. The Committee notes with appreciation that employers are given tax incentives for the hiring of disabled persons to facilitate their access to gainful employment.

94. The Committee welcomes the development of pluralism in the trade-union movement, although it recognizes that there are many practical problems to be resolved to enable the new trade unions to function effectively.

95. The Committee welcomes the assurances by the representative of the State party that psychiatric institutions are no longer used abusively.

96. The Committee welcomes the current official policy of family planning, which has resulted in a decline in the number of abortions.

97. The Committee views favourably efforts undertaken by the State party to educate students as to legal remedies available for violations of human rights.

98. The Committee welcomes the State party's support for an optional protocol to the Covenant providing for the receipt of communications concerning alleged violations of the Covenant.

C. Factors and difficulties impeding the implementation of the Covenant

99. The Committee recognizes that the State party has inherited from the former regime an unfavourable framework for the promotion of economic, social and cultural rights. It also notes with apprehension that the process of transition to a democratic country with a market-based economy is being undermined by corruption, organized crime, tax evasion and bureaucratic inefficiency, resulting in inadequate funding for social welfare expenditure and for the payment of wages in the State sector.

D. Principal subjects of concern

100. The Committee expresses its concern at the situation of the indigenous peoples of the Russian Federation, many of whom live in poverty and have inadequate access to food, and some of whom suffer from malnutrition. The Committee is particularly concerned for those whose food supply is based on fishing and an adequate stock of reindeer, and who are witnessing the destruction of their environment by widespread pollution. It is alarmed at reports that the economic rights of indigenous peoples are violated with impunity by oil and gas companies which sign agreements under circumstances which are clearly illegal, and that the State party has not taken adequate steps to protect the indigenous peoples from such exploitation.

101. The Committee expresses its concern that women appear to be disproportionately affected by unemployment and that little concrete action has been taken by the State party to discourage discriminatory dismissal or hiring on the basis of sex or to provide meaningful remedies to the victims of such discrimination.

102. The Committee expresses its concern at the significant level of domestic violence against women and the hesitation of the police in intervening to protect women or in bringing charges against their aggressors, despite the fact that the criminal law against violence against persons applies to violence against a woman by her husband.

103. The Committee notes with concern the rapid development of prostitution and the growing phenomenon of street children and their exploitation for criminal and sexual activities. The Committee further expresses its concern at the rate of increase in criminal acts by juvenile offenders.

104. The Committee observes with concern that there are numerous problems regarding labour regulation and that the State party has not taken adequate steps or devoted sufficient funding to find ways of addressing the following issues:

(a) Dangerous working conditions in many enterprises, including use of dangerous and out-of-date technology, lack of protection for workers and excessively long hours of work;

(b) The high rate of serious industrial accidents, including an excessive number resulting in death;

(c) Refusal by some enterprises to compensate workers in cases of workplace injuries;

(d) An inadequate system for the reporting of unsafe working conditions and accidents, including the absence of a legal framework which protects workers, whether unionized or not;

(e) Inadequate funding for the labour inspectorate to conduct sufficient inspections to deter and sanction non-compliance by employers;

(f) The large number of illegal dismissals, which in practice are without remedy;

(g) The development of large-scale child labour;

(h) The refusal of some employers to recognize or deal with new, "alternative" unions and the fact that some employers take adverse action, including dismissal, against union activists.

105. The Committee notes with concern that the State party is ill-equipped to deal with the problem of unemployment, which now affects, according to the data provided, between 3 million and 7 million persons. The criteria for eligibility for unemployment benefits, the system for detecting fraudulent benefits applications, and the low amount of such benefits all appear to be in need of reconsideration. Moreover, services to assist the unemployed to obtain employment, including information and retraining services, need to be developed more fully.

106. The Committee is very concerned at the non-payment of wages, which has led to a large number of strikes, particularly in the State sector, as well as at the payment of wages in kind by some employers. According to one report, some $10 billion are owed in back wages to approximately one out of every four workers, and most of this sum is the responsibility of the State. Late payment of wages is similarly unacceptable because it impedes the workers' meeting their needs and, in an inflationary environment, robs them of the value of the money that has been earned.

107. The development of poverty, estimated to affect at least 30 per cent of the population, and the inability of the State party to provide adequate social services and a reasonable subsistence-level revenue to these persons are of serious concern to the Committee.

108. The Committee expresses its concern that the Government's ability to pay pensioners, who constitute a sizeable and increasing percentage of the population, is seriously affected by a lack of adequate financial resources. As a result, many are not receiving their pensions and are thus unable to satisfy their basic needs. The Committee is further concerned that funding of pensions is being seriously impaired by the failure of enterprises to make their legal contributions to the pension fund.

109. The Committee is seriously concerned that the diet of the Russian population, on average, is deteriorating. It also notes with alarm that malnutrition and hunger have developed among the poorer segments of the population. Particular concern is expressed for the plight in this respect of

the homeless, families without income, large families, and indigenous people in the northern part of the country where the infrastructure for food delivery is inadequate.

110. The Committee expresses its serious concern that the level of contamination of both domestically produced and imported foodstuffs is high by international standards, and appears to be caused - for domestic production - by the improper use of pesticides and environmental pollution, such as through the improper disposal of heavy metals and oil spills, and - for imported food - by the illegal practices of some food importers. The Committee notes that it is the responsibility of the Government to ensure that such food does not reach the market.

111. The Committee is alarmed at the extent of the environmental problems in the Russian Federation and that industrial leakage of harmful waste products is such a severe problem in some regions that they could be correctly declared environmental disaster areas. It is also very concerned that there has been a curtailment of funds to modernize an out-of-date water-delivery system, which adversely affects the population's access to clean water.

112. The Committee is very concerned at the re-emergence of tuberculosis in the State party, particularly in prisons, where the health and social conditions of detention are unacceptable.

113. The Committee expresses its serious concern that in 1996 there was an eightfold increase in the rate of HIV-infection, which, according to the State party's representative, was largely due to increased drug use. It is also a source of concern that drug addiction is a major and growing problem among the young.

114. The inadequate funding of hospitals is a major source of concern. Moreover, the non-availability of medicines is also a source of preoccupation, particularly for those who cannot afford them.

115. The Committee expresses its concern with regard to the deterioration of the educational system in the Russian Federation and its effects on school achievement levels, as well as on attendance and drop-out rates among the young at all levels of the system.

E. Suggestions and recommendations

116. The Committee recommends that action be taken to protect the indigenous peoples from exploitation by oil and gas companies, and more generally that action be taken to ensure their access to traditional and other sources of food.

117. The Committee recommends that more vigourous steps be taken to ensure protection of women against sex discrimination in employment, and that victims of sex discrimination may receive compensation from employers who act illegally.

118. The Committee also recommends that legislation be adopted to protect women victims of domestic violence, that specific programmes be put in place to assist such victims and that the perpetrators of such acts be brought to justice.

119. The Committee recommends that comprehensive steps be taken to ensure safety and health in the workplace and that, to this end, increased funding of the labour inspectorate be provided. It further recommends that a framework be developed to encourage and protect workers who report inadequate conditions of work. The Committee also recommends that the State party take steps to accelerate further the development of trade unions by, inter alia, removing the practical constraints on the right to freedom of association, to ensure that management is separated from official unions as part of a bargaining unit, and, generally, to enable the unions to function more effectively. Furthermore, it recommends that a comprehensive strategy be developed to combat child labour.

120. The Committee recommends that the State party develop and improve its policy for helping the unemployed to find work and to receive unemployment benefits. In this regard, the State party may wish to call upon ILO for assistance.

121. The Committee recommends that immediate steps be taken to ensure the payment of wages by both the State and private enterprises, and to punish those who have illegally diverted the funds in question for other purposes.

122. The Committee recommends that assistance to those who live in poverty be increased, and that adequate financial resources be made available to them so that they can live in dignity. Similar efforts should be undertaken on behalf of pensioners, many of whom live in serious financial difficulty. The Committee is of the view that greater efforts should be made to target social welfare expenditure to the truly needy sectors of the population.

123. The Committee recommends the adoption of a plan of action for food subsidies for the poor. It encourages the State party to try to resolve problems of legal title to land, the financing of supplies and equipment for farm areas, and transportation to markets as soon as possible to stimulate domestic food production.

124. The Committee is of the view that the question of an acceptable and adequate food supply is also linked to questions relating to a seriously polluted environment and the lack of investment in infrastructure for the maintenance and improvement of the water supply. It recommends that the State party examine these linkages and take appropriate action to clean up the environment and prevent enterprises from engaging in further pollution, especially that which contaminates the food chain. The Committee also recommends that the maintenance and improvement of the water-supply system be undertaken as a matter of priority. The Committee further recommends that vigorous action be taken against enterprises which have been found to have imported contaminated food.

125. The Committee strongly recommends that the State party take immediate action to improve the health conditions in prisons, especially with regard to the rise in the rate of tuberculosis among prisoners and detainees.

126. The Committee urges the State party to address the eightfold increase in HIV-infection in 1996 as a health question of the utmost importance. It recommends that an information campaign which explains the nature of the disease, the modes of transmission, including sexual modes of transmission, and prevention techniques be undertaken in the mass media. It also recommends that the State party adopt laws and take all necessary measures to prevent discrimination against persons who are HIV-positive, so that they may live normal lives.

127. The Committee recommends that funding of hospitals be increased and that medicines and medical attention be made available to those who cannot afford them, given the existing problems already highlighted above.

128. The Committee recommends that efforts to treat drug addiction and to apprehend and punish drug dealers be continued and intensified.

129. The Committee strongly recommends that firmer and more effective measures be adopted to reinforce the educational system, reduce the school drop-out rate and enhance the protection of children against illegal employment and other abuses.

PERU

130. The Committee considered the initial report of Peru on articles 1 to 15 of the Covenant (E/1990/5/Add.29) at its 14th to 17th meetings on 7 and 9 May 1997 and, at its 26th meeting, on 16 May 1997, adopted the following concluding observations.

A. Introduction

131. The Committee expresses its appreciation to the State party for its initial report and for its written replies to the Committee's list of issues, although they were not submitted in time for them to be translated and for Committee members to study them in greater depth.

132. The Committee also expresses its thanks to the Government of Peru for sending a high-level delegation, headed by the Minister of Justice, which replied to most of the questions asked orally and offered to forward information on those questions that were left unanswered or were not satisfactorily answered.

133. The Committee nevertheless regrets that the written and oral information provided by the State party was essentially legalistic and focused heavily on civil and political rights, and that it excessively concerned the successes achieved by the Government's social policy, rather than providing detailed information on the actual state of economic, social and cultural rights in Peru.

134. The Committee wishes to express its gratitude to the United Nations agencies and Peruvian non-governmental organizations which provided it with documents that made a valuable contribution to the dialogue.

B. Positive aspects

135. The Committee notes the statement by the State party's delegation to the effect that Peru has begun a process of social reform involving amendments to legislation, and notes the establishment of new institutions and the implementation of programmes in various spheres.

136. The Committee notes with satisfaction that a number of discriminatory legal provisions, particularly relating to women, have been eliminated.

137. The Committee welcomes the establishment of the Ministry for the Promotion of Women and Human Development.

138. The Committee notes with satisfaction the establishment of the National Social Compensation and Development Fund, which carries out assistance projects and projects to encourage the development of medium-sized and small enterprises.

139. The Committee notes with satisfaction the reforms introduced by the Government to improve the educational system and to make it accessible to all sectors of society. It views the literacy and school-building programmes to foster the education of children and adults in rural areas and the comprehensive assistance programme for children as positive steps towards ensuring realization of the right to education. The indigenous-language literacy and education programmes are also of particular importance, since, beyond their practical objectives, they help to preserve indigenous languages and to strengthen the cultural identity of the groups speaking the languages concerned.

C. Factors and difficulties impeding the implementation of the Covenant

140. Peru is made up of three distinct societies, living almost independently of each other and divided along ethnic, economic, social, cultural and linguistic lines. At the bottom of the pyramid live the bulk of the population, namely the indigenous Indians of the Alto Plano or the mountains and the Amazon jungle. Most of them do not speak Spanish, but Quechua or Imaru; they are extremely isolated and marginalized. They are thus not in a position to exercise effectively their economic, social and cultural rights.

141. Given the situation described above, the Committee, although aware of the high cost of rebuilding the infrastructure destroyed during many years of internal violence, is of the opinion that the greatest obstacles to the fulfilment of economic, social and cultural rights are, *inter alia*:

(a) The failure to address the persistent and serious problems of poverty; 60 per cent of Peruvians live beneath the poverty line and do not enjoy proper health and educational facilities;

(b) Gross inequality in the distribution of wealth among the population;

(c) The failure to implement agrarian reforms;

(d) The lack of proper health services and the drastic reduction of public expenditures in the field of health;

(e) The impoverishment of State schools over the past decade, coupled with a decline in teachers' salaries and the consequent deterioration in educational standards, accompanied by the increasing poverty of families;

(f) The acute forms of discrimination that particularly affect women, indigenous people and other minority groups, and the great inequalities permeating Peruvian society.

D. Principal subjects of concern

142. The Committee notes with concern that the 1993 Constitution does not incorporate the provisions of the Covenant, which consequently do not constitute a part of domestic law and therefore cannot be invoked before Peruvian courts. This situation is contrary to what had been the case under the 1979 Constitution, which incorporated the provisions of the Covenant. The Committee notes the information contained in the State party's report (paras. 126-127, inter alia) that, before being definitively incorporated in the 1993 Constitution, any human rights treaty signed by Peru must first be approved by Congress by a two-thirds majority and then be ratified by the President. The Peruvian delegation failed to give the Committee a straightforward answer indicating that those steps had been taken by the State party vis-à-vis the Covenant. Among the rights contained in the Covenant which were recognized and incorporated in the 1979 Constitution, but which have so far been left out of the 1993 Constitution, are:

(a) The right to a decent standard of living (art. 2 of the 1979 Constitution);

(b) The rights to food and adequate housing (art. 18),

(c) Equality of opportunity and responsibilities between men and women (art. 2);

(d) Labour rights in general.

143. The Committee further notes that, under the 1993 Constitution, international human rights instruments are on the same level as domestic laws and that a recent decision of the Supreme Court of Justice stated that the provisions of such instruments do not have constitutional status.

144. The Committee is particularly concerned at the insufficient fulfilment of the right to education of the indigenous and black populations. It notes, for example, that about 22 per cent of Quechua-speaking persons in Peru, and among them 31 per cent of females over six years old, receive no schooling at any level. This situation has lately been aggravated as a result of the decline in government expenditures relative to gross domestic product.

145. Most of the Indian and mestizo populations of Peru, which amount to over three quarters of the country's total population, are extremely poor, and the

Committee notes with concern the precarious health situation of these people. The Committee finds that poor women with no education have a maternal mortality rate 10 times higher than that of educated women.

146. The Committee notes with concern that there are various forms of discrimination against women, particularly in the areas of education and employment.

147. The Committee is concerned that many workers do not earn the minimum wage fixed by law. It is also concerned that the minimum wage is lower than the cost of the basic shopping basket, as the Peruvian delegation itself recognized. The characterization of young people aged 16 to 25 as "apprentices" and their resulting exclusion from coverage by the relevant labour legislation is also a major source of concern to the Committee.

148. The Committee is concerned about the ineffectiveness of labour legislation to protect trade-union rights, including the right to strike. As a result, despite the Government's declared policy of strengthening the labour inspection services and introducing changes to the monitoring and application of labour norms, the basic rights of workers are frequently violated.

149. The Committee is concerned that the bulk of the population is excluded from any form of social security because of the existence of a sizeable informal sector in the economy.

150. The Committee is concerned at the modification of the national pension scheme by law-decree No. 25967 and by the new legislation on the private pension scheme under law-decree No. 25897, which, according to various sources, including ILO, have prejudiced workers' rights.

151. The Committee is also concerned at the situation of pension rights cases pending since 1992, which, according to information received by the Committee, affect some 50,000 pensioners who have not received their pensions. With respect to the civil servants affected by decree No. 817, the pending cases affect 280,000 pensioners and 50,000 active workers.

152. The Committee is concerned about the high mortality rate among children and women due to the lack of proper health services, or inadequate health services.

153. The Committee is concerned about the large number of child workers and street children in Peru and the inadequacy of the measures taken by the Government to combat these phenomena.

154. The Committee notes with concern the high levels of illiteracy, truancy and school drop-out.

155. The Committee is concerned about the great number of forced evictions of people in the Amazon basin, resulting in the destruction of their habitat and way of life.

E. Suggestions and recommendations

156. In the Committee's view, the introduction and implementation of much-needed social-justice measures, i.e. political, economic and social reforms, are needed in order to break the vicious circle of violence and counter-violence and to win over the indigenous population, the peasants and other underprivileged sectors of Peruvian society.

157. The Committee also calls upon the Government to make a greater effort to translate the Covenant into appropriate indigenous languages and to give more publicity to its provisions.

158. The Committee recommends that the State party's next periodic report contain specific information on the activities of the Defender of the People and those of the Court of Constitutional Guarantees in the field of human rights, especially with regard to the protection of economic, social and cultural rights.

159. The Committee urges the State party to take effective action to eliminate all forms of discrimination and marginalization that affect indigenous populations in the enjoyment of their economic, social and cultural rights.

160. The Committee recommends that the Government of Peru take steps to guarantee equality between men and women in all fields.

161. The Committee recommends that the State party make the necessary efforts to ensure compliance with the legislation on minimum wage, safety and health in the workplace, and equal pay for equal work for men and women, and to ensure the legal recognition of young people from 16 to 25 years of age as workers. To that end, the Committee stresses that sufficient resources should be allocated to the labour-inspection services to enable them to perform their task properly. It also recommends that the State party take steps to ensure that the private pension system is not promoted to the detriment of the public pension system, in terms of safeguarding pensioners' acquired rights.

162. The Committee recommends that urgent steps be taken, in particular by raising the awareness of employers and State agents, with a view to guaranteeing fully the right to engage in trade-union activities and the right to strike.

163. The Committee recommends that the State party, in cooperation with UNICEF and ILO, launch a programme to combat the exploitation of child labour and the abandonment and exploitation of street children. The Committee recommends that other steps be taken to prevent and combat the use of child labour, based on the full observance of international standards relating to the minimum age for the employment of children, as set forth in ILO Convention No. 138 (Minimum Age Convention, 1973), which it would be appropriate for Peru to ratify.

164. The Committee calls upon the State party to improve the working conditions of domestic employees and make them consistent with the obligations under the Covenant.

165. The Committee encourages the State party to take steps to improve the health-care system and extend it to all sections of the population.

166. The Committee recommends that the Government increase its investment in education. The Committee recalls in this respect the State party's obligation to ensure compulsory and free primary education to all children in Peru, with a view to reducing the illiteracy rate.

167. The Committee recommends that the State party consider ratifying the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador).

168. The Committee recommends that the Peruvian authorities take immediate measures to put a stop to the forced eviction of people, especially in the Amazon basin.

169. The Committee calls upon Peru to submit as soon as possible all the relevant information which it failed to provide during the consideration of its initial report. The State party should, in particular, provide detailed information on the legislative and other measures and practices adopted in connection with the right to adequate housing and the right to social security, particularly in relation to the functioning of the pension system.

LIBYAN ARAB JAMAHIRIYA

170. The Committee considered the initial report of the Libyan Arab Jamahiriya on articles 1 to 15 of the Covenant (E/1990/5/Add.26) at its 20th and 21st meetings on 13 May 1997 and, at its 26th meeting on 16 May 1997, adopted the following concluding observations.

A. Introduction

171. The State party informed the Committee at the very last moment that its representatives could not appear as scheduled in the first week of the session owing to travel problems resulting from the Security Council embargo. The Committee decided that, if it was left with no other option, it would, under the circumstances, proceed with the adoption of concluding observations in the absence of a delegation. This proved unnecessary when the State party agreed to the consideration of the report in the third week of the Committee's session.

172. The Committee appreciates that a delegation was sent to present the report, but regrets that the State party did not provide written replies to the Committee's list of issues and that the delegation also failed to answer many of the questions asked by Committee members during the dialogue.

B. Positive aspects

173. The Committee expresses its satisfaction that, in its report, the State party reviewed its implementation of the provisions of the Covenant article by article, that the report complied with the Committee's guidelines and that it was prepared by experts in various fields, although it regrets that the report was incomplete with regard to articles 6, 7 and 8 and that a discussion of

article 15 was altogether lacking in the report, even if the delegation supplied answers to the Committee's questions about article 15 during the discussion.

174. The Committee welcomes the statement in the report that the Covenant forms an integral part of the State party's legislation and is binding on individuals and organizations, including official bodies.

175. The Committee notes the affirmation contained in the State party's report that legislation guarantees every citizen the right to health care and social and cultural welfare, as well as the right to education, to work, to freedom of association, to form trade unions, federations and professional associations, and to seek legal redress for any infringement of rights recognized by law.

176. The Committee takes note of the statement in the report that the State party's legislation makes provision for the equal enjoyment by men and women of all economic, social and cultural rights. The Committee welcomes signs of the advancement of women towards equality, and in particular that the Basic People's Congresses include women members, that women have the right to be elected to posts and that they also participate in trade unions and professional associations.

177. The Committee notes with satisfaction the significant progress that the State party has made in the fields of social security and health care, as well as concerning family matters, especially in the areas of divorce and care for children and orphans. The Committee also notes with satisfaction the State party's efforts in the fields of public housing and home ownership.

C. Factors and difficulties impeding the implementation of the Covenant

178. The Committee notes that fluctuations in world prices for hydrocarbons have resulted in unpredictable inflows of foreign exchange. This has resulted in cash-flow problems which have affected the State party's ability to meet its financial obligations regularly.

179. The services industry accounts for approximately 30 per cent of gross domestic product, while the contribution of agriculture remains negligible, despite efforts by the Government to promote that sector with the aim of achieving self-sufficiency in food production.

180. To date, there is little evidence that progress is being made in implementing the 1992 privatization law. The State party's attempts at economic restructuring and the abolition of State import and export enterprises have been confined to the consumer-goods sector.

181. The Committee notes the State party's assertion that the Security Council's imposition of an aerial embargo on the State party has adversely affected the economy and many aspects of the daily life of its citizens, and impeded the full enjoyment by the State party's citizens of their economic, social and cultural rights.

D. Principal subjects of concern

182. The Committee notes with concern that, despite the existence of Libyan legislation guaranteeing full equality between men and women and prohibiting any discrimination against women, the State party has advanced certain arguments against the enjoyment by women of certain family and civil rights on the basis of Shari'a law. The Committee underlines the fact that the Covenant is predicated on the principles of absolute non-discrimination against women and their full enjoyment of all the rights enjoyed by men.

183. The Committee has reason to believe that, in the field of labour rights, notably concerning trade-union activity, the right to strike and the right to conduct free collective bargaining - all rights which are guaranteed by legislation in the State party - the gap between law and practice is quite significant and that efforts need to be undertaken so that practice conforms to existing legislation. The Committee is troubled by the delegation's assertion that strikes do not occur in the State party because the conditions which cause strikes do not exist. It is the Committee's view that the freedom of workers to form independent trade unions to protect and advance their interests and ultimately to have recourse to strike is an indispensable right under the Covenant.

184. The Committee expresses its concern at reports that foreigners who have come to work in the State party in connection with the Great Man-made River project are living and working in appalling conditions. According to a report of the ILO Committee of Experts on the Application of Conventions and Recommendations, foreign employees in the State party who are accused of infringing disciplinary rules may be punishable by penalties of imprisonment which can include compulsory labour. According to the same ILO report, the State party also maintains different rates of payment of pensions for foreign and Libyan workers, which, in the view of the Committee, is discriminatory.

185. The Committee also expresses its concern at reports that, during the second half of 1995, thousands of foreign workers were arbitrarily expelled from the State party and were not given adequate compensation. It further regrets that there was no possibility for a legal or judicial remedy against those expulsions. The Committee is alarmed that the justification given by the delegation for this action was that foreign workers were the cause of many of the State party's social problems, such as violent crime, immoral activities, black-market transactions, drug trafficking, trafficking in women and the spread of communicable diseases. Such a rationale is unacceptable to the Committee and a clear violation of the Covenant. In this regard, the Committee draws the attention of the State party to the case of approximately 200 Palestinian families who were forcibly evicted to a point near the Egyptian border and who had to live in utterly degrading conditions for two years before they were allowed to re-enter the State party.

186. The Committee is concerned that the State party's delegation viewed HIV/AIDS as a problem essentially relating to foreign workers. It is also concerned that the delegation indicated that foreigners who are working in the State party with valid work permits and subsequently become HIV-positive are usually deported. The Committee is of the view that this action is discriminatory and inconsistent with the provisions of the Covenant.

187. The Committee expresses its concern over reports of censorship against expressions of a literary and artistic nature, and at the State party's notion of "cultural security" to justify such censorship.

E. Suggestions and recommendations

188. While aware of the important strides made to improve the status of women, the Committee nevertheless calls for an end to all remaining aspects of discrimination against women.

189. The Committee recommends that energetic efforts be undertaken to close the gap which still exists between the aims and purposes of Libyan legislation and the reality of its application in labour matters, in particular with regard to trade-union rights, the right to strike and the right to free collective bargaining.

190. It is further recommended that the status and working conditions of foreign workers be improved without undue delay, and that these persons be treated with dignity and be enabled to benefit fully from the rights enshrined in the Covenant.

191. The Committee recommends that measures be taken to ensure better and more widespread education, especially in rural areas, as well as better access to health care, social security and housing.

192. The Committee recommends that foreign workers who are employed in the State party with valid work permits should not be deported if they become HIV-positive while in the country. It further recommends that the State party not treat the HIV/AIDS problem as one essentially relating to foreigners and that it take energetic steps by way of a publicity campaign in the media to inform its population of the nature of the disease, its modes of transmission and what steps can be taken to avoid contracting it.

193. The Committee requests that the State party provide it with all the written replies promised by the delegation. It also requests that the State party's second periodic report contain more information regarding actual practice and the effective implementation of the rights guaranteed by the Covenant and include information on action taken with regard to the present concluding observations.

GUYANA

194. At its 5th and 6th meetings on 30 April 1997, the Committee reviewed the initial report of Guyana on articles 1 to 15 of the Covenant (E/1990/5/Add.27), as well as the written replies to the list of issues formulated by the Committee, and, after a short discussion, decided to postpone its consideration until a future session. This decision was based on the view that the written replies were inadequate, especially in relation to articles 6 to 9, 12 and 13, and did not provide the basis for a satisfactory dialogue. Consequently, the Committee could not proceed with a meaningful examination of the report. In order to provide guidance as to what information is desired in the written replies to the Committee's list of

issues, the representative of Guyana was provided on 30 April 1997 with the relevant reference materials, including a recording of comments by the Rapporteur as to what would most assist the Committee.

195. In order to consider the initial report at that future date, however, it will be necessary for the Committee to receive the additional written replies to its list of issues at least six weeks before the beginning of the session in question. The Committee also requests that an expert familiar with the technical matters contained in the report be involved in its presentation to the Committee.

196. The Committee looks forward to a useful and productive dialogue with the Government of Guyana as the preferred basis for the adoption of its concluding observations. Hopefully, the information provided to the representative with respect to the Committee's methods of work will enable the Committee and the Government of Guyana to complete that dialogue.

DOMINICAN REPUBLIC

197. At its 1st meeting on 28 April 1997, the Committee was informed by a note verbale dated 23 April 1997 from the Permanent Representative of the Dominican Republic to the United Nations Office at Geneva that the Government of the Dominican Republic had accepted the Committee's offer to send two of its members to visit the country and pursue its dialogue with the Government in relation to the matters identified by the Committee at its fifth, seventh, tenth, eleventh and fifteenth sessions. Subsequently, the Secretary of State for Foreign Affairs of the Dominican Republic, by a note verbale dated 25 April 1997, confirmed the invitation to the Committee to visit the country to observe on site the situation of economic, social and cultural rights.

198. The Committee expresses its strong appreciation to the Government of the Dominican Republic for its willingness to cooperate with it.

199. Following its discussions relating to the organization of the mission, the Committee agreed that:

(a) It would be represented by two of its members - Mr. Philippe Texier and Mr. Javier Wimer Zambrano - and assisted during the mission by one staff member of the Office of the United Nations High Commissioner for Human Rights;

(b) The mission should take place preferably in September 1997 and in any event before the start of the Committee's seventeenth session (November 1997);

(c) The mission would focus primarily on matters relating to the implementation of the right to housing (art. 11, para. 1, of the Covenant), and would also take account of the other issues identified by the Committee in its preliminary concluding observations adopted at its fifteenth session in December 1996 following its consideration of the second periodic report of the Dominican Republic; 8/

(d) The mission would undertake on-site visits and arrange meetings with the relevant government officials, as well as with individuals and groups from all appropriate sectors of civil society;

(e) Mr. Texier would be responsible for the preparation, on the basis of agreement with Mr. Wimer Zambrano, of a written report and its submission to the Committee at its seventeenth session in November-December 1997. That report would be considered in conjunction with the further consideration of the second periodic report of the Dominican Republic;

(f) The draft mission report would be considered by the Committee in private session and subsequently be adopted for public release;

(g) Significant assistance would be required from the Secretariat in the preparation of the mission, particularly in obtaining and analysing relevant information. The Secretariat should seek inputs from all relevant sources and should specifically request any pertinent reports or other information from UNDP, the World Bank, the United Nations Centre for Human Settlements (Habitat), ILO and other such agencies, as well as from non-governmental organizations.

Seventeenth session

DOMINICAN REPUBLIC

200. The Committee considered the second periodic report of the Dominican Republic on articles 1 to 15 of the Covenant (E/1990/6/Add.7) at its 29th to 31st meetings on 18 and 19 November 1997 and, at its 51st meeting on 3 December 1997, adopted the following concluding observations. 9/

A. Introduction

201. The Committee welcomes the resumption of the dialogue with the Dominican Republic through its second periodic report. It also welcomes the submission by the State party of comprehensive written replies to its list of issues, although it regrets that the second part of those replies was submitted too late for translation. Furthermore, the Committee welcomes the appearance before it of an expert and high-level delegation from the capital, which allowed a fruitful and constructive dialogue to be conducted and many answers and clarifications to be obtained in response to questions and comments by members of the Committee.

202. The Committee wishes to express its appreciation to the Dominican Republic for its acceptance, in April 1997, of a mission composed of two members of the Committee to be conducted in the country, in accordance with the offers made in repeated decisions by the Committee and endorsed by the Economic and Social Council in its decisions 1992/261 and 1993/295. It also expresses its deep satisfaction at the State party's responsiveness to and cooperation with the mission, which took place from 19 to 27 September 1997. In this respect, the Committee notes with appreciation that government officials at the highest levels of the State, numerous non-governmental organizations and UNDP provided its delegation with technical and logistical assistance, as well as with valuable information on the right

to housing and the situation of Haitian workers in the Dominican Republic, which were the subjects identified by the Committee as the mission's mandate, and more generally on the implementation of the Covenant in law and in practice.

B. Positive aspects

203. The independence and effective functioning of the judiciary are necessary elements in the protection of economic, social and cultural rights. Thus, with respect to the concerns it expressed in its preliminary concluding observations (E/1997/22, para. 227), the Committee notes with appreciation the measures taken to combat the problem of corruption of public officials, including judges, and in particular the increase in the salaries of government officials and judges. Furthermore, the Committee notes that the procedure for nominating judges to the new Supreme Court has been made public and transparent, with the objective of guaranteeing the impartiality of the judiciary and its independence from the executive.

204. The Committee also notes with appreciation that a number of measures have been taken to improve the situation of women, in particular measures allowing them to own property and to benefit from the medical insurance of their partners in case of de facto marriages and from land distribution in the framework of the agrarian reform. The adoption of a Women's Code is also welcomed, as are the activities and programmes of the General Directorate for the Advancement of Women. Furthermore, the Committee takes note of information concerning the setting up of a State Secretariat for Women's Affairs and the proposed establishment of special courts to deal specifically with matters involving violence against women and children, including domestic violence.

205. The Committee welcomes the establishment of a bilateral commission by the Governments of the Dominican Republic and Haiti, as well as the agreement signed with the Government of Haiti concerning the granting of temporary work permits for Haitian seasonal sugar cane cutters during the next harvest, in order to give them a legal status and protect them from the exploitation related to the lack of such status.

206. With respect to the right to adequate housing under article 11 of the Covenant, the Committee notes with appreciation the policy set up and applied by the new Government, which involves giving priority to low-income groups and carrying out housing projects in consultation with the communities concerned. The Committee notes that this policy differs from previous government policies which gave preference to major ornamental public works, including the Columbus lighthouse, which unnecessarily caused the displacement of large numbers of people, and to the authoritarian planning of housing projects. The Committee also notes with appreciation the holding in 1996 of a national conference for a "New Policy for the Housing Sector", organized by the National Housing Institute and UNDP as a follow-up to the United Nations Conference on Human Settlements (Habitat II), as well as the envisaged setting-up of a State Secretariat for Housing tc coordinate all government activities in the field of housing.

207. Also concerning the right to housing, the Committee notes among the steps taken by the Government in this field the following: the commitment of

the Government to suspend all forced evictions by public organs and to adopt a policy of providing adequate alternative housing to persons evicted and displaced persons; the adoption of Decree 443/96, which repealed Decree 358/91, and the consequent removal of a military presence from the La Ciénaga and Los Guandules areas in the centre of Santo Domingo; and the signing of relocation agreements between the Government and some 681 families living in the Los Alcarrizos shanty town and the 209 evicted families who occupied three churches for a year.

208. With respect to the concern expressed in its preliminary concluding observations (E/1997/22, para. 231) the Committee notes that measures have been taken to improve prison conditions in relation to economic, social and cultural rights, including, the provision of meals to inmates free of charge - including during weekends - and the carrying out of a prison reform programme with particular emphasis on the improvement of the regime governing visits and on rehabilitation through education programmes.

209. The Committee notes with satisfaction the new emphasis which the new Government has placed on education by increasing, by 14.5 per cent, the budget allocation to education in 1996. It also notes that measures have been taken to improve the level of education in public schools by increasing teachers' salaries.

C. Factors and difficulties impeding the implementation of the Covenant

210. The Committee, recalling its preliminary concluding observations concerning the slow evolution towards democracy (ibid., para. 220), notes that positive and concrete steps have recently been taken to strengthen democratic institutions in the Dominican Republic. However, it notes that the consequences of decades of neglect or ineffective promotion and protection by previous Governments of the economic, social and cultural rights of the population as a whole, and those of vulnerable groups in particular, cannot easily be overcome. The Committee acknowledges that these factors continue to constitute impediments to the full implementation of the rights enshrined in the Covenant.

211. The Committee also notes that, since the mid-1980s, the economic situation in the Dominican Republic has deteriorated at a rapid pace, mainly because of the deficient management of the country's economy and of the public finances by the previous administration. The consequences of this deterioration include the heavy burden of external debt on the national economy, the need for structural adjustment programmes, the high rate of inflation, large-scale emigration of skilled workers, growing poverty, unequal distribution of wealth within the population and the deepening gap between the rich and the poor. Such a situation creates difficulties which hinder the full implementation of the Covenant in the Dominican Republic.

D. Principal subjects of concern

212. The Committee expresses its regret at the absence of statistical information on the economic, social and cultural situation in the Dominican Republic both in the State party's report and in the dialogue with the delegation. The Committee notes that such information is not only useful

but necessary for it to assess the real situation of implementation, with regard to all groups in society, of the economic, social and cultural rights enshrined in the Covenant.

213. The Committee notes the presence of racial discrimination in the Dominican Republic, although this seems to be denied by the authorities, and it emphasizes that, in order to combat and prevent racial discrimination in the enjoyment of economic, social and cultural rights, its existence must be recognized by the authorities. The Committee stresses that, without such recognition, no effective anti-discrimination policies can be put in place. In this respect, the Committee expresses the view that the existence of racial discrimination does not necessarily entail institutionalized or legal discrimination.

214. While noting that a number of positive measures have been taken by the authorities to promote gender equality and to protect women from discrimination, the Committee remains concerned that women do not fully enjoy their economic, social and cultural rights under the Covenant. In this respect, the Committee reiterates the concerns it expressed in its preliminary concluding observations (ibid., para. 233), with particular reference to the persistence of a traditional male-dominated society detrimental to gender equality, to the lack of protection afforded to women workers who are victims of discrimination in employment or arbitrary dismissal owing to pregnancy, to the lack of family-planning services, to the high maternal mortality rate, to unequal pay between women and men, and to the absence of legal recognition of de facto marriages.

215. The Committee recalls the concerns it expressed in 1996 (ibid., para. 229) with respect to the large-scale emigration of Dominicans, many of whom are skilled workers, and notes that improved enjoyment of economic, social and cultural rights can help to reduce incentives for such people to emigrate.

216. Furthermore, the Committee is still preoccupied by the situation of Haitian illegal workers and by the situation of their children. It notes that approximately 500,000-600,000 Haitian illegal workers reside in the Dominican Republic, some of them for one or two generations, without any legal status and any protection of their economic, social and cultural rights. In this respect, the Committee is particularly concerned about the situation of the children, who, due to the restrictive interpretation of article 11 of the Constitution by the authorities, do not receive Dominican nationality on the grounds that they are children born of foreigners in transit. These children are thus denied their most basic social rights, such as the rights to education and health care. Moreover, the Committee notes with concern that, until now, measures have not been taken to improve the overall situation of Haitian illegal workers by regularizing their status and that of their children.

217. The Committee also reiterates its concerns about the inadequate living conditions in the sugar cane plantations (bateyes) (ibid., para. 224), and the inadequacy of the measures taken to date by the authorities to remedy the situation.

218. The Committee notes that, despite the recent steps taken to raise the minimum wage in the latest Labour Management Agreement, the minimum wage is not yet sufficient to ensure a decent living for workers and their families, in accordance with article 7 (a) (ii) of the Covenant.

219. The Committee further expresses concern about reports of extremely unsatisfactory working conditions in the free-trade zones. The Committee is concerned that workers in the free-trade zones are allegedly discouraged from joining or forming trade unions and that the regulations concerning the right to strike in the Labour Code are not complied with by employers.

220. The Committee notes with concern that, at present, the national social security scheme covers only workers employed in the formal sector. Although it notes that new legislation on social security which provides for universal coverage is under study, the Committee expresses its concern about the non-application of article 9 of the Covenant to self-employed workers, including small farmers, and their families.

221. With respect to article 10 of the Covenant, the Committee expresses its concern about the situation of children in the Dominican Republic and, in particular, about reports received on the occurrence of child labour and child exploitation, including sexual exploitation, about the increasing number of street children, the low rate of school enrolment, the high rate of infant mortality and the high number of pregnancies among school-age females. Furthermore, the Committee expresses its concern about the reported prevalence of violence against women and children within the family.

222. Although the Committee welcomes the drafting of a plan by the National Council for Urban Affairs to ensure access to safe drinking water, it notes that the plan is limited to urban areas and that much remains to be done in order to ensure such access for the rural population and for all those living in deprived urban areas. In this regard, the Committee recalls the concerns it expressed in the past (ibid., para. 235).

223. With respect to the right to housing, the Committee notes that the positive measures and programmes undertaken by the Government may be hampered by a lack of resources allocated by the authorities at the national and local levels to alleviate the many problems associated with the lack of housing; by the dispersion of the many organs and institutions set up to deal with housing and the lack of coordination between them; by the failure of the central authorities to delegate more powers to local communities; and by the priority and preference given to the alleviation of the problems in urban areas to the detriment of rural areas.

224. With respect to the agrarian reform and the distribution of urban and rural lands, the Committee expresses regret at the lack of information concerning land survey, delivery of land titles and land allocation. While noting the information that the agrarian reform is supported by the Ministry of Agriculture and the Agricultural Bank, it is concerned about the lack of progress to date in this respect owing to delays in the completion of the land survey.

225. Furthermore, the Committee notes that forced evictions from private land still occur, and that the authorities have not yet taken the necessary measures to address this problem.

226. With respect to the right to health under article 12 of the Covenant, the Committee is concerned about the lack of information on the situation of the elderly, disabled persons, and HIV-positive persons and persons with AIDS. With respect to the latter, the Committee notes that, according to the WHO the number of AIDS cases has increased from 133 in 1993 to 574 in 1996 for women and from 256 in 1993 to 1,050 in 1996 for men. The Committee also notes that prevention campaigns carried out in the Dominican Republic are insufficient in addressing the appropriate ways and means available to combat the transmission of the virus. It further notes the persistence of sex tourism in resort areas, sometimes involving minors, which is one of the causes of the spread of AIDS, although it recognizes that coercive measures have been taken by the authorities against persons involved as local agents in such exploitation.

E. Suggestions and recommendations

227. The Committee recommends that measures be taken by the authorities, notably at the fiscal and social levels, to address the problem of the inequitable distribution of wealth among the population in order to combat poverty.

228. The Committee recommends that measures to combat the arbitrariness and corruption of some judges and public officials (see para. 203 above) be pursued. In particular, the Committee recommends that information on the means available, if any, to challenge the discriminatory, arbitrary and unjust application of a law, an executive decree or a court decree be provided in the State party's next periodic report.

229. The Committee recommends that measures be taken to gather systematically quantitative and qualitative data, disaggregated in accordance with the criteria used by the United Nations and its specialized agencies, on all rights covered by the Covenant. In this regard, it suggests that cooperation be requested from various agencies, such as UNDP, WHO, ILO and UNICEF, with a view to assessing and evaluating progress achieved, identifying prevailing difficulties and setting priorities for future action.

230. The Committee recommends that concrete and appropriate measures be taken, such as information and education campaigns and the reform of the criminal law, in order to penalize acts of racial discrimination by public officials and private persons, and to prevent and combat such acts.

231. The Committee recommends that the Government pursue its policies designed to achieve full equality between men and women, in all areas of economic, social and cultural life. In particular, a thorough review of domestic legislation should be undertaken with a view to eliminating any remaining discriminatory legal provisions, especially with respect to the labour, family, criminal, civil and social security laws; specific remedies should be made available to women victims of sexual discrimination; and information and education campaigns should be carried out. Positive measures

should also be taken to promote the participation of women, on an equal basis with men, in public life, on the labour market and in social and cultural activities.

232. The Committee recommends that the State party take effective measures at the educational and socio-economic levels in order to fulfil its obligations under the Covenant, with a view to stemming the outflow of skilled workers from the Dominican Republic.

233. The Committee urges the State party to take all necessary measures to ensure that Haitian illegal immigrants in the Dominican Republic enjoy their economic, social and cultural rights fully and without discrimination. In this regard, the Committee expresses the view that the regularization of the situation of these illegal residents, through the delivery of residence permits or naturalization, is necessary. Furthermore, the Committee recommends that the principle of jus soli under article 11 of the Constitution be applied to the children of Haitian residents without delay.

234. The Committee also urges the Government to adopt positive measures to improve living conditions in the bateyes. To this end, the Committee recommends that the legal status of the bateyes be modified and their relationships with municipalities improved, and that sugar cane companies be required to provide inhabitants of the bateyes with basic facilities, such as water and electricity, and with health and social services.

235. With respect to the State party's obligations under article 7 (a) (ii) of the Covenant, the Committee recommends that the minimum wage be reviewed without delay and be periodically adjusted in order to provide workers with a "decent living for themselves and their families in accordance with the provisions of the ... Covenant". It also recommends that all sectors of activity be covered by the regulation of the minimum wage, including the sugar cane industry, and that inspection mechanisms be set up and given the means to conduct surveys in this area.

236. The Committee recommends that workers in the free-trade zones be allowed to form and join trade unions, that their right to strike be acknowledged, that the minimum standards with regard to working conditions be respected, and that inspection mechanisms be set up with full freedom to carry out their tasks in these zones.

237. The Committee urges the Government to continue its review of the Social Security Law and, in this respect, it lays emphasis on the obligation of universal coverage under article 9 of the Covenant.

238. The Committee recommends that the situation of children in the Dominican Republic be closely monitored by the authorities, and that all necessary means be deployed to ensure that all children fully enjoy their rights under the Covenant, special attention being given to abandoned children, street children, exploited children, working children and teenage mothers. The Committee also recommends that the necessary measures be taken to combat violence against women and children in the family.

239. The Committee calls upon the Government to pursue and intensify its efforts to ensure that safe drinking water is made available to the rural population and all those living in deprived urban areas.

240. The Committee recommends that the Government's efforts be pursued and intensified in order fully and effectively to address the problems related to housing in the Dominican Republic. In this respect, the Committee stresses the need for increased resources, both for construction and rehabilitation and for the relocation of evicted and displaced communities; for decentralization and greater autonomy of local authorities in this field; and for effective coordination of the activities undertaken by all the competent organs. The Committee also draws the attention of the Government to the need to complete the process of land surveys in order to issue title deeds to regularize the ownership of land by much of the population, in rural as well as urban areas. In this regard, the Committee encourages action to set up the State Secretariat for Housing, in order to ensure the effective coordination of the agencies concerned and the implementation of housing policies.

241. The Committee recommends that steps be taken without delay to protect the population from forced evictions by private owners and that, in this respect, the Committee's General Comment No. 7 (1997) (see annex IV) be duly taken into account.

242. The Committee draws the attention of the State party to the report on its technical assistance mission to the Dominican Republic, adopted by the Committee on 3 December 1997 (see annex VI). The report focuses especially on the right to housing, as well as on other matters. The Committee calls upon the State party to take the recommendations contained therein fully into account.

243. With respect to the right to health, the Committee recommends that full and concrete information on the situation of the elderly, persons with disabilities, and persons who are HIV-positive or have AIDS be provided in the State party's next periodic report. With regard to AIDS, the Committee stresses the need for the State party to adopt adequate new legislative and social measures. In particular, the Committee recommends the launching of a specific and explicit information campaign on HIV/AIDS, its causes and prevention measures. The Committee suggests that coordination with WHO and the Joint United Nations Programme on HIV/AIDS (UNAIDS) be set up.

244. Finally, the Committee recommends that the concerns expressed in the present concluding observations, as well as the issues raised during the discussion of the second periodic report which remained unanswered, be addressed in the State party's third periodic report, to be submitted by 30 June 1999. It urges the State party to disseminate widely the present concluding observations adopted by the Committee following its consideration of the State party's second periodic report.

IRAQ

245. The Committee considered the third periodic report of Iraq on articles 1 to 15 of the Covenant (E/1994/104/Add.9) at its 33rd to 35th meetings on 20 and 21 November 1997 and, at its 52nd meeting on 4 December 1997, adopted the following concluding observations.

A. Introduction

246. The Committee welcomes the opportunity to resume its dialogue with Iraq through the consideration of the State party's third periodic report. The Committee expresses its appreciation to Iraq for the submission of written replies to its list of issues, and it takes note that, despite the difficult situation faced by Iraq, a delegation was sent from the capital to present the report and answer questions raised by members of the Committee. In this respect, the willingness of the State party to conduct a constructive dialogue with the Committee is noted with appreciation.

247. However, the Committee regrets that the report submitted by the State party did not incorporate information on articles 13 to 15 of the Covenant, although it recognizes that such information was, to a certain extent, provided by the delegation in the course of the discussion.

B. Positive aspects

248. The Committee notes with satisfaction that, according to the legal system of Iraq, the Covenant forms an integral part of national legislation and may be directly invoked before the courts, although it regrets the lack of information on any cases in which the Covenant was actually referred to by the courts or invoked directly before them.

249. The Committee notes that a Human Rights Commission was recently established within the National Assembly, although it regrets the lack of information on its functions, powers and activities to date.

250. With respect to gender equality, the Committee notes with appreciation the existence of laws to promote women's participation in national development, providing them with equal opportunities in education, health, employment and land ownership, and protecting them from exploitation and sexual harassment in the workplace. Moreover, it notes that women have the right to six months' maternity leave with full salary, plus six months with half their salary, and can retire at 55 years of age.

C. Factors and difficulties impeding the implementation of the Covenant

251. The Committee recognizes that eight years of war with the Islamic Republic of Iran and the conflict following Iraq's invasion of Kuwait caused the destruction of part of the country's infrastructure and considerable human suffering, and produced a very difficult economic and social situation in Iraq. The Committee also notes that the living standard of large sections of the Iraqi population has been reduced to subsistence level since the imposition of the embargo, which led to a decrease in the country's oil revenue from approximately $20 billion to $2 billion a year, and that this situation is further aggravated by the sharp rise in consumer prices.

252. In this respect, the Committee endorses resolution 1997/35 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, on adverse consequences of economic sanctions on the enjoyment of human rights, and puts particular emphasis on the fact that "such measures most seriously affect the innocent population, in particular the weak

and the poor, especially women and children" and "have a tendency to aggravate the imbalances in income distribution already present in the countries concerned" (fifth and sixth preambular paragraphs).

253. However, the Committee, while noting that the effect of sanctions and blockades hampers the full implementation of certain rights under the Covenant, underlines that the State party remains responsible for implementing its obligations under the Covenant "to the maximum of its available resources", in accordance with article 2, paragraph 1, of the Covenant.

D. Principal subjects of concern

254. The Committee notes with concern the continuing deterioration of economic, social and cultural rights in Iraq since the beginning of the hostilities with the Islamic Republic of Iran and, further, since the Gulf war and the adoption of sanctions. In this respect, the Committee, reiterating the concern it expressed in its previous concluding observations (E/1995/22, para. 130), notes that sufficient measures have not been taken to date by the authorities to alleviate the extremely difficult living conditions of the Iraqi population and the deprivation of most of their basic economic, social and cultural rights.

255. The Committee regrets the lack of statistical information on the economic, social and cultural situation in Iraq in the State party's report and in the dialogue with the delegation.

256. The Committee notes with concern the lack of information on any measures taken by the State party to spread awareness of human rights, and especially economic, social and cultural rights, among the population.

257. The Committee expresses concern about reports of discrimination against members of certain minorities, especially Kurds, Marsh people, Assyrians, Shiite Muslims and Turkomans, with respect to their enjoyment of rights under the Covenant. Furthermore, the Committee notes with deep concern reports stating that the effect of the embargo is harsher on members of racial, ethnic or religious minorities, and that there exists discrimination in the allocation by the authorities of the limited resources available between rural and urban areas, and against the southern region with respect to the Marsh people.

258. With respect to article 3 of the Covenant, the Committee expresses concern about discrimination against women, in law and in practice, in the areas of inheritance rights, freedom of movement, family law, equal remuneration for equal work, and access to employment. With regard to the latter, the Committee notes with concern that the unemployment rate is higher among women than among men.

259. The Committee expresses its concern that it is possible, under Law No. 104 of 1981 and the Penal Code, to condemn a person to compulsory labour, as part of a prison sentence, in cases of expression of political opinions or ideological opposition to the political, social or economic system, for breach of labour discipline or for participation in strikes. The

Committee finds that this practice is designed to prevent or inhibit free expression in relation to policies and practices which have a direct bearing on the enjoyment of economic, social and cultural rights.

260. The Committee notes with concern that, in contravention of the provisions of article 8 of the Covenant, independent trade unions are not permitted in Iraq, since Trade Union Organization Act No. 52 of 1987 establishes a single trade-union structure, centralized within the General Federation of Trade Unions, which is in turn controlled by the ruling Baath Party. The Committee also notes that public-sector workers and workers in State-owned enterprises are not allowed to join trade unions. Furthermore, the Committee notes with concern that the 1987 Act does not recognize the right to bargain collectively and that severe restrictions, including penal sanctions, are imposed on the right to strike.

261. Taking note of the report of the ILO Committee of Experts on the Application of Conventions and Recommendations on the implementation of ILO Conventions No. 19 (Equality of Treatment (Accident Compensation) Convention, 1925) and No. 118 (Equality of Treatment (Social Security) Convention, 1962), the Committee expresses its concern that, under section 38 (b) (ii) of the Workers' Pension and Social Security Act No. 39 of 1971, the payment of benefits abroad to a citizen of another country is ensured only if he returns to his country of origin at the end of his insured period of service. The Committee notes that this precludes workers who leave Iraq before their contract period has expired or who settle in a country other than their country of origin from receiving their benefits. Furthermore, in accordance with section 38 (b) (iii) of the Act, payment of benefits is made outside Iraq only under reciprocity agreements or international labour conventions, and is subject to authorization under Instruction No. 2 of 1978 regarding the payment of social security benefits to insured persons leaving Iraq. The Committee also notes with concern the declaration by the delegation that, due to the current situation in Iraq, all such payments have been suspended.

262. With respect to article 9 of the Covenant, the Committee notes that, although Iraq's legislation makes provision for social security, the implementation of that law has been hampered by the current economic difficulties facing the country due to the severe reduction of the State party's income.

263. The Committee further expresses its concern about the increase in child labour, and regrets the lack of information on any measures taken by the authorities to address this problem. In particular, the Committee regrets the lack of information on any inspection mechanisms in place to survey the implementation of Labour Act No. 71 of 1987 regulating the protection of young persons with regard to employment and conditions of work. Moreover, the Committee notes with concern that, in accordance with article 96 of the Labour Code, children employed in family undertakings under the authority or supervision of the father, mother or brother are not protected by the specific provisions of Labour Act No. 71.

264. The Committee expresses its concern about reports of discrimination in the enjoyment of the right to adequate housing under article 11 of the

Covenant, especially in relation to forced evictions of members of certain minorities (Kurds, Turkomans and Shiite Muslims) and the situation of squatters in urban areas.

265. The Committee notes with concern that, according to a survey conducted in 1995 by government agencies with the support of UNICEF, 50 per cent of the rural population in the central/southern part of Iraq had no access to potable water supplies. This figure increases to 90 per cent in the southern governorate of Thi Qar. The Committee stresses that this situation does not conform with the provisions of article 11 of the Covenant on the right to an adequate standard of living.

266. With respect to article 12 of the Covenant, the Committee notes with concern that, with the destruction of parts of the infrastructure in Iraq, the non-availability of safe drinking water has led to widespread contaminated water and related health problems, such as water-borne and diarrhoeal diseases and cholera. The Committee also notes with concern that, due to food shortages and the resulting restrictions on its distribution, and to the non-availability of certain medicines, medical equipment and other articles of personal hygiene in Iraq, the standard of physical health of the Iraqi population is declining at a rapid pace. It notes in particular that certain diseases previously eradicated from Iraq have reappeared, such as typhoid, infantile paralysis, tetanus, viral hepatitis, Giardia, German measles, kala-azar, undulant fever, haemorrhagic fever, croup, whooping cough, rickets, scabies, hydrocysts and rabies.

267. The Committee is alarmed by the rapidly increasing rate of illiteracy in Iraq, now estimated at 54 per cent, especially among women, a situation aggravated by the current difficult situation.

268. The Committee reiterates its concerns with respect to the lack of information on the implementation of article 13 of the Covenant regarding: compulsory and free primary education; human rights education; equal educational opportunities for women; the lack of available statistical and other data with respect to the implementation of the right to education in Iraq; infringements of academic freedom by the authorities; measures that affect the cultural heritage of certain religious communities and minorities; and Government control over the choice and broadcasting of minority-language radio programmes (see E/1995/22, paras. 133 and 135-138).

E. Suggestions and recommendations

269. The Committee urges the State party to take all appropriate measures in order to ensure, to the maximum extent of its available resources, the implementation of economic, social and cultural rights, in accordance with article 2, paragraph 1, of the Covenant. In this respect, the Committee calls the attention of the State party to its General Comment No. 3 (1990) on the nature of States parties' obligations, 10/ and especially to paragraphs 10 to 13 thereof. Moreover, the Committee suggests that close cooperation with United Nations organs and specialized agencies be initiated to achieve the full and expeditious implementation of all the clauses of the "oil for food" agreement, with a view to promoting the realization of economic, social and cultural rights for all groups living in Iraq.

270. The Committee recommends that measures be taken to gather systematically quantitative and qualitative data, disaggregated in accordance with the criteria used by the United Nations and its specialized agencies, on all rights covered by the Covenant, with a view to assessing and evaluating progress achieved, identifying prevailing difficulties and setting priorities for future action.

271. The Committee recommends that urgent and concrete steps be taken to ensure that the provisions of the Covenant are made widely known among the population. To this end, the Committee recommends that systematic education programmes on the rights enshrined in the Covenant be set up in all schools and other educational institutions.

272. The Committee also recommends that the independence of the existing Human Rights Commission be ensured, and that it be empowered to receive and investigate complaints from individuals of violations of their human rights, including their economic, social and cultural rights.

273. The Committee recommends that, in accordance with article 2, paragraph 2, of the Covenant, measures be taken to guarantee that the rights enunciated in the Covenant are "exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status", and in this regard it makes particular reference to the situation of the Kurds, the Marsh people, Assyrians, Shiite Muslims and Turkomans.

274. With respect to discrimination against women, the Committee recommends that the Government pursue its policies designed to achieve full equality between men and women in all areas of economic, social and cultural life. In particular, it recommends that a thorough review of domestic legislation be carried out in order to eliminate any remaining discriminatory legal provisions, that specific remedies be made available to women victims of sexual discrimination, and that information and education campaigns be carried out to that end.

275. The Committee recommends that Law No. 104 of 1981 and the Penal Code, which provide for compulsory labour in cases of expression of political opinions or ideological opposition to the political, social or economic system, for breach of labour discipline or for participation in strikes, be reviewed and brought into conformity with article 6, paragraph 1, of the Covenant and ILO Convention No. 29 (Forced Labour Convention, 1930).

276. The Committee also recommends that a thorough review of legislation governing trade-union rights, the right to strike and the right to bargain collectively be undertaken as a matter of priority in order to comply with article 8 of the Covenant.

277. The Committee recommends that the social security laws in force in Iraq be applied without any discrimination. To this end, the Committee suggests that the Workers' Pension and Social Security Act No. 39 of 1971 be reviewed.

278. The Committee urges the Government to provide, in its next periodic report, concrete and comprehensive information on measures taken or foreseen in order to address the psychological and emotional problems affecting

children after years of armed conflict and related economic and social constraints, and the problem of child labour. Moreover, the Committee stresses the need for protection of all working minors, including those employed in family undertakings, and it recommends that article 96 of the Labour Code be reviewed accordingly.

279. The Committee recommends that all appropriate measures be taken by the authorities to implement, without discrimination, the right to adequate housing under article 11 of the Covenant, and calls the attention of the State party to its General Comments Nos. 4 (1991) 7/ and 7 (1997) (see annex IV).

280. The Committee recommends that every effort be made by the Government to ensure, through the development of adequate infrastructure in all parts of the country, access to potable water by the population as a whole, and especially in the rural areas.

281. The Committee, while being aware that the embargo imposed on Iraq creates extremely difficult conditions with respect to the availability of food, medicines and medical articles, recommends that the Government take all necessary measures, to the maximum extent of its available resources, to address the needs of the population, and in particular those of the most vulnerable groups, such as children, the elderly and nursing mothers, in relation to article 12 of the Covenant.

282. With respect to articles 13 to 15 of the Covenant, the Committee reiterates the recommendations it addressed to the State party in its concluding observations adopted following its consideration of Iraq's second periodic report on those articles (E/1995/22, paras. 139-143).

283. Finally, the Committee recommends that the concerns expressed in the present concluding observations, as well as the issues raised during the discussion of the third periodic report which remained unanswered, be addressed in the State party's fourth periodic report. It urges the State party to disseminate widely the present concluding observations adopted by the Committee following its consideration of the State party's third periodic report.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

284. The Committee considered the third periodic report of the United Kingdom of Great Britain and Northern Ireland on articles 1 to 15 of the Covenant (E/1994/104/Add.11) at its 36th to 38th meetings on 24 and 25 November 1997 and, at its 53rd meeting on 4 December 1997, adopted the following concluding observations.

A. Introduction

285. The Committee notes that the report submitted by the State party was prepared in accordance with the Committee's guidelines. It welcomes the presence of a large and high-level delegation from the United Kingdom and notes that the very high quality of the dialogue was enhanced by the presence of a specialist to deal with virtually every article of the Covenant. It further appreciates the extensive and detailed replies to the Committee's list of issues, which greatly facilitated the dialogue. The Committee observes

with satisfaction that the information provided in the third periodic report, and in reply to both written and oral questions, enabled it to obtain a comprehensive view of the extent of the State party's compliance with its obligations under the Covenant.

B. Positive aspects

286. The Committee notes the extensive and elaborate administrative infrastructure that exists in the United Kingdom to facilitate implementation of the provisions of the Covenant.

287. The Committee welcomes, in particular, the following new initiatives of the British Government:

(a) The "welfare to work initiative" designed to provide enhanced opportunities for sustained employment and to break prolonged dependency on welfare;

(b) The proposal to enact the European Convention on Human Rights into domestic legislation, which constitutes a considerable departure from the traditional approach not to incorporate international human rights treaties in United Kingdom domestic law.

288. The Committee also takes note of the following initiatives:

(a) The proposal to introduce a national minimum wage, which the Committee hopes will give due regard to the value of work and an employee's ability to enjoy the right to an adequate standard of living;

(b) The commitment of the Government to ratify the Treaty of Amsterdam, and the resulting application of the European Social Charter in the State party;

(c) The proposal for a "new deal" to give positive support to employment through Training and Enterprise Councils, and job subsidies to the private sector to provide additional employment opportunities, with increased targeting of ethnic minorities who suffer from above average rates of unemployment;

(d) The establishment of the Disability Rights Commission to address issues of the rights of the disabled;

(e) The new policy for a programme of lifelong learning, which should, in particular, target persons in the State party who are functionally illiterate.

289. The Committee notes that significant progress has been made to meet the educational needs of the traveller communities and gypsies.

290. The Committee welcomes the adoption of the Hong Kong Order 1997, which entitles Hong Kong citizens who are not allowed to acquire Chinese nationality to receive United Kingdom citizenship.

C. Factors and difficulties impeding the implementation of the Covenant

291. The State party reported no specific factors or difficulties impeding the implementation of the Covenant. The Committee notes, however, that, because of the recent change of government, many questions were met with responses that indicated that new initiatives were under consideration, that an advisory group had been appointed to study a particular problem, or that a White Paper was being prepared on a given subject. These answers, while understandable to a certain degree, nevertheless undermined to a significant extent the Committee's ability to evaluate the degree of compliance with certain provisions of the Covenant. Moreover, it became clear from the examination that economic and social difficulties continue to be faced by some of the most vulnerable segments of society, and that the Government's ability to alleviate those difficulties is impaired by its self-imposed budgetary constraints.

D. Principal subjects of concern

292. The Committee notes that, despite the developed state of the United Kingdom economy and the progress that has been made to lower unemployment generally, there exist unacceptable levels of poverty among certain segments of the population, with particular respect to Northern Ireland. The economic benefits of recent gains in prosperity are unevenly distributed, with a significant widening of the gap between rich and poor as a result. In this respect, the Committee finds it disturbing that approximately 1 million persons do not apply for benefits to which they are entitled, and that the Government limits access to free legal aid with respect to a number of economic and social rights.

293. The Committee also finds disturbing the position of the State party that provisions of the Covenant, with certain minor exceptions, constitute principles and programme objectives rather than legal obligations, and that consequently the provisions of the Covenant cannot be given legislative effect.

294. The Committee considers that failure to incorporate the right to strike in domestic law constitutes a breach of article 8 of the Covenant. The Committee considers that the common-law approach recognizing only the freedom to strike, and the concept that strike action constitutes a fundamental breach of contract justifying dismissal, is not consistent with protection of the right to strike. The Committee does not find satisfactory the proposal to enable employees who go on strike to have a remedy before a tribunal for unfair dismissal. Employees participating in a lawful strike should not *ipso facto* be regarded as having committed a breach of an employment contract. The Committee is also of the view that the legally accepted practice of allowing employers to differentiate between union and non-union members by giving pay rises to employees who do not join a union is incompatible with article 8 of the Covenant.

295. The Committee takes the view that, despite the elaborate machinery and legislation for protection against discrimination, there continues to exist to a significant degree de facto discrimination against women, Blacks and other ethnic minorities. The Committee notes that women continue to occupy a

significantly lower percentage of managerial positions, particularly in the private sector, and a disproportionate percentage of lower-paid jobs and part-time work. It also notes the persistence of a substantially higher rate of unemployment among Blacks and other ethnic minorities and their disproportionate numbers in lower-paid jobs. The Committee is alarmed that the rate of unemployment among Catholics in Northern Ireland is approximately twice that of Protestants and is substantially above the national rate of unemployment.

296. The Committee is concerned about the condition of many children in the care of the Government, directly or indirectly, in spite of extensive legislative provisions on this subject. The report of Sir William Utting, "People Like Us", indicates a significant reduction in the number of children's homes with increased resort to placement in foster homes. The result of this change is reported to be an increasing incidence of child abuse in foster homes.

297. The Committee notes with concern the serious incidence of domestic violence against women, which the State party has estimated at 680,000 cases in 1995, according to a national crime survey.

298. The Committee expresses its concern that waiting times for surgery can be 18 months or longer. In practice, this situation has worsened over the past six months and now calls for immediate action. The continuation of this situation calls into question whether the State party has made its best efforts to satisfy the provisions of article 12 of the Covenant.

299. The Committee is alarmed by the fact that corporal punishment continues to be practised in schools which are privately financed, and at the statement by the delegation that the Government does not intend to eliminate this practice.

300. The Committee expresses its concern that homelessness is still a problem that has not been adequately addressed in the United Kingdom, and that vulnerable groups such as travellers and ethnic minorities do not receive sufficient protection against evictions.

301. The Committee expresses its concern that the educational structure in Northern Ireland is heavily segregated, with most Protestants attending Protestant schools and most Catholics attending Catholic schools and only approximately 2 per cent of the school population attending integrated schools. The Committee is of the view that current government policy, which appears to consist of a willingness to consider the conversion of existing Protestant or Catholic schools into integrated schools if it is the wish of the majority in a given school, is ineffective and likely to preserve the status quo. This situation is particularly deplorable given that it has been reported that approximately 30 per cent of parents in Northern Ireland would prefer to send their children to integrated schools.

302. The Committee expresses its concern at the plight of the approximately 13,000 children permanently excluded from school and that a disproportionate number of these children are of African-Caribbean origin.

303. The Committee notes that the Irish language in Northern Ireland does not appear to receive the same degree of financial support and status as Gaelic in Scotland and Welsh in Wales, and expresses its view that such differentiation is unjustified.

E. Suggestions and recommendations

304. The Committee suggests that the State party take appropriate steps to introduce the Covenant into legislation, so that the rights covered by the Covenant may be fully implemented. It is encouraged that the State party has taken such action with respect to the European Convention on Human Rights and is of the view that it would be appropriate to give similar due regard to the obligations under the Covenant.

305. The Committee is of the view that social assistance should be more carefully targeted to alleviate poverty among the segments of the population in the United Kingdom who are suffering from long-term unemployment, those whose overall revenue is low (particularly in relationship to family size), and those who are unable to work. Particular attention should be directed at groups which are statistically disproportionately represented at or near the bottom of the income scale and which appear to have difficulty in moving up from the lowest income group. From the Committee's examination, it would appear that such groups would include at least the following: ethnic minorities, women, lone parents, children in vulnerable situations, the elderly, people with disabilities, and Catholics in Northern Ireland. The Committee urges the State party to make further efforts to extend benefits to the approximately 1 million persons who qualify and do not apply to receive them. It is of the view that a less restrictive policy on free legal aid with respect to social and economic rights would facilitate access to these and other social and economic benefits.

306. The Committee recommends that the right to strike be established in legislation and that strike action no longer entail the loss of employment, and expresses the view that the current notion of freedom to strike, which simply recognizes the illegality of being subjected to involuntary servitude, is insufficient to satisfy the requirements of article 8 of the Covenant. The Committee further recommends that the right of employers to grant financial incentives to employees who do not join unions be abolished.

307. The Committee recommends that the State party take more effective steps to combat de facto discrimination, particularly against Blacks and other ethnic minorities, women, and Catholics in Northern Ireland.

308. The Committee recommends that the State party reconsider its policy and procedures for placing large numbers of children in foster homes in light of the reported increase of abuse of children as a result of that policy, and examine the feasibility of greater use of effectively supervised children's homes if this would be in the best interests of the child.

309. The Committee requests the State party to update in its next report information on measures taken to combat the phenomenon of violence against women and update its analysis of which measures appear to yield the best results in dealing with this problem.

310. The Committee finds that the present waiting time for surgery is unacceptable and it therefore recommends that the State party take immediate steps to reduce it.

311. The Committee recommends that the State party take appropriate measures to eliminate corporal punishment in those schools in which the practice is still permitted, i.e. privately financed schools.

312. The Committee recommends that appropriate measures be considered in Northern Ireland to facilitate the establishment of additional integrated schools in areas where a significant number of parents have indicated their desire to have their children enrolled in such schools.

313. The Committee recommends that there be closer monitoring of the incidence of homelessness and forced evictions, and that statistics on these issues be provided in the State party's next periodic report, together with information regarding the steps taken to provide protection in accordance with the Committee's General Comment No. 7 (1997) on forced evictions (see annex IV).

314. The Committee recommends that uniform defined criteria be formulated for school exclusions, and that the State party report on what government programmes, if any, exist to facilitate the insertion of excluded young people into alternative training or apprenticeship programmes.

315. The Committee recommends that the same degree of support and status be given to the Irish language in Northern Ireland as to Gaelic in Scotland and Welsh in Wales.

316. The Committee recommends that consideration be given to requiring that a human rights assessment or impact statement be made an integral part of every proposed piece of legislation or policy initiative on a basis analogous to environmental impact assessments or statements.

317. Finally, the Committee recommends that the concerns expressed in the present concluding observations, as well as the issues raised during the discussion of the third periodic report which remained unanswered, be addressed in the State party's fourth periodic report. It urges the State party to disseminate widely the present concluding observations adopted by the Committee following its consideration of the State party's third periodic report.

AZERBAIJAN

318. The Committee considered the initial report of Azerbaijan on articles 1 to 15 of the Covenant (E/1990/5/Add.30) at its 39th to 41st meetings on 25 and 26 November 1997 and, at its 54th meeting on 5 December 1997, adopted the following concluding observations.

A. Introduction

319. The Committee welcomes the initial report of the State party, which was prepared in conformity with the Committee's guidelines. It also appreciates the additional information provided in response to its list of issues and

welcomes the presence of a high-level delegation with which it engaged in an open and constructive dialogue. The Committee notes with regret, however, that much of the additional information provided was incomplete or of a general nature and that consequently, a number of its specific concerns were not addressed.

B. Positive aspects

320. The Committee welcomes the fact that Azerbaijan ratified or acceded to the principal international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, immediately after achieving independence in 1991.

321. The Committee notes the existence of rich agricultural and oil resources in Azerbaijan, as well as a relatively advanced industrial sector. If well utilized, these resources may aid long-term enjoyment of economic, social and cultural rights. The Committee further notes the success achieved in stabilizing some key macroeconomic indicators.

322. The Committee notes that, in newly independent countries, a large body of legislation is normally required in all areas relating to basic government functions. In this regard, it welcomes the progress made thus far in developing or enacting legislation, inter alia in the areas of labour, social insurance, refugees and stateless persons, and education.

323. The Committee welcomes the work done by the State Employment Service in finding jobs for applicants and in providing counselling and vocational training.

324. The Committee notes the generally high level of education of the population. It welcomes the fact that 10 years of free compulsory education are provided. It also welcomes the broad participation of women in institutions of higher learning, as well as the measures being taken to provide education to members of minorities and to refugees.

325. The Committee further notes that extensive international assistance has been mobilized to assist the State party during its difficult transition.

C. Factors and difficulties impeding the implementation of the Covenant

326. The Committee notes that Azerbaijan is undergoing rapid changes in its development and is experiencing socio-economic difficulties that are typical in many countries with economies in transition. It notes, in particular, that national production and income have declined dramatically since 1991 and that, by the Government's admission, almost the entire population of Azerbaijan is living in poverty.

327. The Committee notes with concern that a large proportion of resources necessary to finance social programmes is diverted by corruption, which is pervading State organs and the sectors of the economy that are still under State control.

328. The Committee notes the flight of capital and the emigration of specialists that resulted, in part, from such difficulties.

329. The Committee notes that the State party is also faced with considerable adversity and instability due to an armed conflict with Armenia. As a result of the conflict, there are a large number of refugees and internally displaced persons whose stay in Azerbaijan may become a prolonged one.

D. Principal subjects of concern

330. The Committee notes with concern the lack of information concerning the status of the Covenant in domestic law, the extent to which the rights contained therein may be invoked in the courts, and the absence of cases before the courts relating to those rights. It is concerned that there appears to be a generally low level of awareness among the general public of the emerging national legislative framework, including the provisions relating to human rights. In addition, there is not at present an effective recourse mechanism for persons who consider their rights to have been violated. The Committee notes, in this regard, that the Constitutional Court has not yet been established.

331. The Committee notes with concern that, because of the large proportion of public expenditure devoted to the development of the oil industry, sufficient attention has not been given to encouraging the development of small and medium-sized enterprises. It also notes that inadequate attention has been paid to the adverse environmental consequences of some of the activities of the oil industry.

332. The Committee stresses the importance of an independent judiciary, ensured not only by constitutional declaration, but in fact by guarantees accorded to magistrates, in order to ensure the exercise of all human rights, in particular economic, social and cultural rights, and the availability of effective remedies in case of violation.

333. With respect to specific provisions of the Covenant, the Committee calls attention to article 1 on the right of self-determination. The Committee regrets that, due to lack of information, it is unable to assess to what extent the general public is able to participate in the privatization process. It stresses the importance of managing this process in a way that is sufficiently transparent to ensure fairness and accountability.

334. The Committee notes with concern the lack of detailed information concerning the situation of refugees in the State party.

335. While it welcomes the statements made by the delegation that women enjoy a status of equality with men, the Committee reaffirms the need for objective disaggregated data in order to assess the situation of women, as with all the rights provided for in the Covenant. Data that are indicative of the status of women, in addition to the information presented orally during the dialogue, would relate to health care, professional opportunities and measured income differentials between women and men.

336. The Committee notes with deep concern the problems faced with respect to articles 6, 7 and 8 of the Covenant. The Committee is concerned by the high

level of unemployment, including hidden unemployment, and the absence of details concerning national and local employment programmes or other clear strategies to address the problem. It notes that a large proportion of unemployed persons have found a means of sustenance in the informal sector, which appears to have surpassed the formal economy in volume. Regrettably, there appear to be attempts on the part of the Government to eradicate the informal sector.

337. The Committee notes with concern the lack of detailed information on mechanisms relating to the right to form and join trade unions. It notes the absence of a clear definition of "political activities", which trade unions are prohibited from engaging in by the 1994 Law on Trade Unions. It further notes that the categories of workers who are prohibited from exercising their right to strike include a broad range of workers in the public service, defence and communications fields.

338. With respect to article 9 of the Covenant, the Committee expresses concern that the disintegration of public finance and the high rate of inflation have destroyed the purchasing power of pensions and social insurance benefits. It regrets that information on how, in times of high unemployment, the size of pensions is altered for persons who do not meet the minimum required number of years of employment was not forthcoming.

339. The Committee stresses the need for effective control over inter-State adoption of children. In the absence of such controls, foreign adoption may subject children to various types of exploitation, including sexual exploitation. With respect to article 10 of the Covenant, the Committee regrets that, despite the assurances of the delegation to the contrary, women are not receiving adequate medical care during pregnancy and childbirth. It regrets that its questions regarding the effect on women of the proposed introduction of a three-tier fee system for medical care remain unanswered.

340. The Committee expresses its alarm over the prolonged decline in the standard of living. This is evident in the rising level of poverty, the large proportion of the population living without safe drinking water, the lack of affordable housing, the decline in agricultural production due to the inefficiencies of the process of privatization of State farms and therefore inadequacies in food production and distribution, the declining quality of medical care and the declining numbers of persons benefiting from medical care. The Committee seeks information on measures being taken or envisaged for the protection of vulnerable groups, including children who do not have a family, single parents, and unemployed persons.

341. The Committee expresses concern about the shortage of housing, which is compounded by the influx of refugees and displaced persons, and the fact that vulnerable groups and the homeless are not given adequate protection against forced evictions.

342. The Committee notes with concern that the general shortage of resources is weakening the educational system and corrupting the traditionally high educational standards of the State party. Education has also become more costly, which is having a disproportionate effect on the poor.

343. In the spirit of the United Nations Decade for Human Rights Education, the Committee draws attention to paragraph 1 of article 13 of the Covenant, under which education should be directed to the full development of the human personality and the sense of its dignity, and should strengthen respect for human rights and fundamental freedoms. The Committee regrets having received no information in this regard.

E. Suggestions and recommendations

344. The Committee recommends that the Covenant be granted a definitive status in domestic law allowing the rights enshrined in it to be invoked in the courts. It recommends that instruction on the Covenant be included in the training of lawyers, judges, social workers and other professionals involved with economic, social and cultural rights. It further recommends that the Constitutional Court be established as a matter of priority.

345. The Committee recommends that the State party regulate the oil industry more effectively, particularly with respect to its potential adverse effects on the environment. The Committee suggests that the Government encourage diversification of the economy in other industries and particularly local small and medium-scale enterprises, which are important for the means of livelihood of major segments of the population.

346. The Committee notes that the ability of people to defend their own economic, social and cultural rights depends significantly on the availability of public information. Efforts to ensure accountability and to combat corruption also require such information in order to be effective. In this regard, it is important that the privatization process should be conducted in an open and transparent manner and that the conditions under which oil concessions are granted should always be made public.

347. The Committee requests, in the State party's second periodic report, detailed information concerning the situation of refugees. The Committee further requests concrete information concerning any obstacles faced by women in the protection of their economic, social and cultural rights.

348. The Committee urges the Government to work with the informal sector and seek to regulate it, rather than eliminate it, as it serves as a means of sustenance for a large number of persons. Some work in this sector may potentially grow in micro-enterprises. The Committee suggests that those engaged in this sector should be able to benefit from low-interest loans and credit incentives such as those that are being provided to small businesses.

349. The Committee requests detailed information on mechanisms relating to the right to form and join trade unions. In the next report, it requests clarification of the meaning attributed to "political activities" prohibited in the 1994 Law on Trade Unions. The Committee agrees with the ILO Committee of Experts on the Application of Conventions and Recommendations that the categories of workers prohibited from exercising their right to strike should be limited to only those fields where a strike would result in life-threatening situations.

350. The Committee requests specific information on pension benefits, particularly how the difference between pension benefits and the minimum requirements for sustenance is reconciled and how, for persons who do not meet the minimum required number of years of employment, the size of their pensions is affected.

351. The Committee recommends that the State party address in a more efficient and focused manner the housing needs of its population, especially disadvantaged groups, and that it devote a substantial proportion of its budget to creating conditions leading to more people being adequately housed, in accordance with the Committee's General Comment No. 4 (1991) on the right to adequate housing. 7/

352. The Committee draws the attention of the State party to the importance, in monitoring the right to adequate housing, of collecting relevant data relating to the practice of forced evictions and of enacting legislation concerning the rights of tenants to security of tenure.

353. The Committee recommends that effective control be placed on inter-State adoption of children, with a view to preventing sexual and other forms of exploitation. The Government should ensure that all women receive adequate medical care during pregnancy and childbirth. The Committee requests detailed information regarding the effect on women of the proposed three-tier fee system for medical care.

354. The Committee recommends that the Government address as a matter of utmost urgency the basic needs of the population, including safe drinking water, food, affordable housing and health care. The Committee requests detailed information on measures being taken or envisaged for the protection of vulnerable groups, including especially children who do not have a family, single parents, the unemployed, and women who are victims of crimes of violence.

355. The Committee recommends that resources be allocated to ensuring that national educational standards are strictly observed. It urges the Government to address the weakening educational system, which is having a disproportionate effect on the poor.

356. The Committee encourages the Government to reflect the spirit of the United Nations Decade for Human Rights Education in its educational curricula and to submit information in this regard to the Office of the United Nations High Commissioner for Human Rights.

357. The Committee recommends that the proposal for technical cooperation (for strengthening capacities and infrastructure for the promotion and protection of human rights) which is currently under review should fully take into consideration the need to strengthen the protection of economic, social and cultural rights. It encourages the State party to continue to seek international assistance, including that offered by non-governmental organizations, in all areas where assistance is needed.

358. Finally, the Committee recommends that the concerns expressed in the present concluding observations, as well as the issues raised during the

discussion of the initial report which remained unanswered, be addressed in the State party's second periodic report. It urges the State party to disseminate widely the present concluding observations adopted by the Committee following its consideration of the State party's initial report.

URUGUAY

359. The Committee considered the second periodic report of Uruguay on articles 1 to 15 of the Covenant (E/1990/6/Add.10) at its 42nd to 44th meetings on 27 and 28 November 1997 and, at its 54th meeting on 5 December 1997, adopted the following concluding observations.

A. Introduction

360. The Committee welcomes the second periodic report submitted by Uruguay and its replies to the Committee's list of issues, as well as the constructive dialogue conducted with the expert and high-level delegation from the capital. The Committee notes with appreciation that the report was prepared in accordance with its guidelines.

B. Positive aspects

361. The Committee notes with satisfaction that the State party has ratified the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador).

362. The Committee welcomes the progress made by the State party in attaining a high rate of literacy, in ensuring free primary education for all and in making secondary and higher education free of charge. It also regards positively the establishment of programmes for less favoured children, such as the school meals programme (bandejas escolares).

363. The Committee notes that some of the rights enshrined in the Covenant can be directly invoked before the State party's courts. It appreciates the list of relevant jurisprudence that was provided with the report.

364. The Committee appreciates the steps taken by the State party to adopt employment policies for the young and for rural workers, as well as the measures taken to provide further training for the unemployed.

C. Factors and difficulties impeding the implementation of the Covenant

365. The Committee notes the economic difficulties encountered by the State party, in particular the high rate of unemployment.

D. Principal subjects of concern

366. The Committee is concerned that, despite the efforts and progress made by the State party to raise the standard of living, a high proportion of the population continues to live below the poverty line, in particular the black minority. Furthermore, the Committee is concerned about surveys conducted among the population which tend to show that prejudice against the black minority continues to exist.

367. The Committee notes with concern that there has been a substantial decrease in the number of persons affiliated with trade unions and that the minimum wage is established unilaterally for the agricultural sector. It is particularly concerned about the fact that the minimum wage is totally insufficient to live on and is used only as an indicator, despite the recommendations made in 1993 by the ILO Committee of Experts on the Application of Conventions and Recommendations in respect of ILO Convention No. 131 (Minimum Wage Fixing Convention, 1970) and by the Committee on Economic, Social and Cultural Rights itself in its concluding observations adopted following its consideration of the initial report of the State party at its tenth session, in 1994. 11/

368. The Committee considers that the resources devoted to public health and education are inadequate. In particular, it is alarmed by the fact that the very low wages paid to nurses has led to a low ratio of nurses to doctors (lower than 1:5), which tends to diminish the quality and accessibility of medical care available to the community. A similar problem exists in the education sector, as manifested especially by the continued deterioration of teachers' salaries in terms of purchasing power.

369. The Committee is concerned about the increase in labour-related accidents due to non-compliance with security measures, particularly in the construction sector, as indicated by the ILO Committee of Experts in 1995 in relation to ILO Convention No. 62 (Safety Provisions (Building) Convention, 1937).

370. The Committee is deeply concerned about the situation of children in Uruguay. Child labour continues to be a serious problem, as attested to by concluding observations of the Committee on the Rights of the Child. Moreover, the minimum working age as provided for in ILO Convention No. 138 (Minimum Age Convention, 1973) is not fully respected in the State party. The Committee is also concerned at the health situation of young minors, in view of the high incidence of obesity and suicides.

371. The Committee notes with concern that the Civil Code retains a distinction between legitimate children and children born out of wedlock.

372. The Committee is also concerned about the continued existence in practice of discrimination between men and women in terms of salaries received for equal work. It also regrets the insufficiency of the information provided regarding the situation of women in general, and domestic violence in particular.

373. The Committee is concerned about the large number of persons with disabilities in the population (7 per cent), of whom 70 per cent are reported to be mentally disturbed, and about the problem of alcoholism, which leads to high rates of traffic accidents and fatalities.

374. The Committee continues to be concerned by the shortage of housing, the high levels of rent, and the conditions under which forced evictions may be carried out, particularly in relation to the most vulnerable groups.

E. Suggestions and recommendations

375. The Committee would welcome additional information on the steps taken by the State party to ensure enjoyment of economic, social and cultural rights by the black minority, in particular their right to protection against discrimination.

376. The Committee calls upon the State party to comply with its obligations under article 7 of the Covenant and, in particular, to take steps towards fixing a national minimum wage indexed to the cost of living in consultation with employers' and workers' representatives. The Committee urges the State party to ensure that its existing legislation in respect of the occupational health and safety of workers is fully implemented and that the labour inspection system is strengthened.

377. The Committee recommends that the necessary legislative and economic measures be adopted to protect the rights of persons with disabilities and of street children. Particular importance should be given to information programmes in respect of health care, both physical and mental. Furthermore, all discriminatory provisions in the Civil Code or family law in respect of children born out of wedlock should be repealed.

378. The Committee recommends that the State party take measures to increase the real salaries of teachers and nurses.

379. The Committee urges the State party to take steps to improve health care for people living in rural areas.

380. The Committee considers that the efforts made by the State party to implement an adequate housing policy remain insufficient and urges it to increase its efforts in this respect. It also wishes to receive more detailed information on the number of forced evictions and the manner in which they are carried out.

381. The Committee urges that greater attention be given to the problem of de facto discrimination against women and that programmes be implemented for the eradication of inequalities between men and women, in both the public and private sectors. It recommends that appropriate legal measures be undertaken in relation to crimes of violence against women within or outside the family.

382. Finally, the Committee recommends that the concerns expressed in the present concluding observations, as well as the issues raised during the discussion of the second periodic report which remained unanswered, be addressed in the State party's third periodic report. It urges the State party to disseminate widely the present concluding observations adopted by the Committee following its consideration of the State party's second periodic report.

LUXEMBOURG

383. The Committee considered the second periodic report of Luxembourg on articles 1 to 15 of the Covenant (E/1990/6/Add.9) at its 48th and 49th meetings on 2 December 1997 and, at its 54th meeting on 5 December 1997, adopted the following concluding observations.

A. Introduction

384. The Committee expresses its appreciation to the State party for its second periodic report, which complied with the Committee's guidelines. Nevertheless, it regrets the delay in the submission of the report. The Committee also appreciates the very detailed additional information provided in response to its list of issues. It welcomes the presence of a high-level delegation, with which it engaged in an open and constructive dialogue.

B. Positive aspects

385. The Committee notes with appreciation the State party's continuing efforts to comply with its obligations under the Covenant through its law, policies, programmes and administrative measures.

386. The Committee notes with satisfaction the existence of a comprehensive social security scheme and the efforts undertaken by the State party to improve and update its legislation with regard to economic and social rights, the introduction of dependants' insurance, and the drafting of a law guaranteeing enjoyment of the right to health care.

387. The Committee welcomes the establishment of the Tripartite Coordination Committee as a mechanism designed to promote social peace and stability. The Committee further notes the State party's efforts to address the problem of rising unemployment.

388. The Committee notes the large number of foreigners residing in the State party and welcomes the measures taken by the authorities to ensure the enjoyment of their economic, social and cultural rights.

C. Factors and difficulties impeding the implementation of the Covenant

389. The Committee notes the absence of any significant factors or difficulties preventing the effective implementation of the Covenant in Luxembourg.

D. Principal subjects of concern

390. The Committee is concerned that the Covenant has not been given the status of domestic law and that there have been no judicial decisions relating to its application by domestic courts. Therefore, jurisprudence on the implementation of the provisions of the Covenant in Luxembourg is lacking.

391. The Committee expresses its concern that a clear definition of the principle of gender equality is not expressly entrenched in the Constitution and notes the persistence of inequitable gender disparities, particularly in conditions of work and in salary scales in the private sector.

392. The Committee notes with concern that the provisions of ILO Conventions No. 77 (Medical Examination of Young Persons (Industry) Convention, 1946) and No. 78 (Medical Examination of Young Persons (Non-Industrial Occupations)

Convention, 1946) have not been fully incorporated in domestic legislation, especially in relation to the regulation of employment of young workers in domestic service and agriculture.

393. The Committee is concerned about the absence of a comprehensive and specific legal framework that promotes and protects the rights of persons with disabilities.

394. The Committee notes with concern that the Civil Code, which maintains a clear distinction between "legitimate" and "natural" children, discriminates against children born out of wedlock.

395. The Committee is concerned about the absence of a comprehensive programme to combat all forms of sexual exploitation and abuse of children and adolescents.

396. The Committee notes with concern the occurrence in the State party of adolescent health problems, due in particular to drug abuse, and is alarmed about the high incidence of suicide among young people.

397. The Committee is concerned by the absence of specialized geriatric doctors and facilities to address the problems of the large ageing population in the State party.

398. The Committee is concerned about the high drop-out rates among the youth of secondary school age.

399. The Committee is concerned about the absence of human rights education in school curricula and the low level of awareness regarding the Covenant, especially among the judiciary and within professional groups, among non-governmental organizations and among the general public.

E. Suggestions and recommendations

400. The Committee recommends that the State party take all appropriate measures to ensure equal treatment of men and women in employment, especially in the private sector. Furthermore, the Committee encourages the State party to pursue its intention to ratify ILO Convention No. 111 (Discrimination (Employment and Occupation) Convention, 1958).

401. The Committee recommends that the State party take all necessary legal measures to ensure that the provisions of ILO Conventions Nos. 77 and 78 are fully recognized by domestic law and are implemented.

402. The Committee recommends that the State party's draft law on the rights of persons with disabilities be adopted in order to enhance the promotion and protection of their fundamental rights.

403. The Committee strongly recommends that any existing distinction in the Civil Code regarding children born out of wedlock be eliminated.

404. The Committee recommends that the State party adopt more effective legislation to prevent and protect children and adolescents from all forms of sexual exploitation and abuse.

405. The Committee recommends that the State party continue its efforts to prevent and combat drug abuse and suicide among the youth and, where necessary, reinforce existing measures.

406. The Committee recommends that the State party engage in a review process with a view to decreasing the high number of school drop-outs. The Committee further encourages the State party to adopt the draft law guaranteeing the right to continuing education.

407. In the spirit of the United Nations Decade for Human Rights Education, the Committee encourages the State party to include human rights education in school curricula. It further recommends that the State party undertake measures to educate the judiciary, professional groups, non-governmental organizations and the general public about the provisions of the Covenant.

408. Finally, the Committee recommends that the concerns expressed in the present concluding observations, as well as the issues raised during the discussion of the second periodic report which remained unanswered, be addressed in the State party's third periodic report. It urges the State party to disseminate widely the present concluding observations adopted by the Committee following its consideration of the State party's second periodic report.

SAINT VINCENT AND THE GRENADINES

409. The Committee considered the state of implementation by Saint Vincent and the Grenadines of the economic, social and cultural rights contained in the Covenant at its 45th meeting on 28 November 1997 and adopted the following concluding observations.

A. Review of the implementation of the Covenant in relation to States parties which have failed to report

410. At its seventh session, the Committee on Economic, Social and Cultural Rights decided to proceed to a consideration of the state of implementation of the International Covenant on Economic, Social and Cultural Rights in a number of States parties which, despite many requests to do so, had not fulfilled their reporting obligations under articles 16 and 17 of the Covenant.

411. The purpose of the reporting system established by the Covenant is for the States parties to report to the competent monitoring body, the Committee on Economic, Social and Cultural Rights, and through it to the Economic and Social Council, on the measures which have been adopted, the progress made, and the difficulties encountered in implementing the rights recognized in the Covenant. Non-performance by a State party of its reporting obligations, in addition to constituting a breach of the Covenant, creates a serious obstacle to the fulfilment of the Committee's functions. Nevertheless, the Committee has to perform its supervisory role in such a case and must do so on the basis of all reliable information available to it.

412. In a situation where a Government has not supplied the Committee with any information as to how it evaluates its own compliance with its obligations under the Covenant, the Committee has to base its observations on a variety of materials stemming from both intergovernmental and non-governmental sources.

while the former provide mainly statistical information and apply important economic and social indicators, the information gathered from the relevant academic literature, from non-governmental organizations and from the press tends, by its very nature, to be more critical of the political, economic and social conditions in the countries concerned. Under normal circumstances, the constructive dialogue between a reporting State party and the Committee will provide an opportunity for the Government to voice its own view, and to seek to refute any criticism and convince the Committee that its policies are in conformity with the requirements of the Covenant. Consequently, if a State party does not submit a report and does not appear before the Committee, it deprives itself of the possibility to set the record straight.

B. Introduction

413. Saint Vincent and the Grenadines has been a party to the International Covenant on Economic, Social and Cultural Rights since 9 February 1982. Since then, it has not submitted a single report. The Committee strongly urges the Government of Saint Vincent and the Grenadines to fulfil its reporting obligations as soon as possible, so that the Covenant can be given full effect for the benefit of the people of Saint Vincent and the Grenadines. The Committee emphasizes that it considers the non-performance by Saint Vincent and the Grenadines of its reporting obligations not only a violation of the Covenant, but also a grave impediment to the adequate application of the Covenant.

C. Factors and difficulties impeding the implementation of the Covenant

414. The Committee takes note of the fact that fulfilment by Saint Vincent and the Grenadines of its obligations arising from the Covenant cannot be evaluated without taking into consideration the political, economic and social conditions in which the country finds itself at present.

415. In particular, the Committee notes that, despite efforts undertaken recently by the authorities to diversify the economy and reduce its dependence on banana-production earnings, the contribution of banana production to total exports was still 63.8 per cent in 1992 and the banana industry still employed 52 per cent of the workforce in 1993/1994, making the development of Saint Vincent and the Grenadines' economy particularly sensitive to international market prices. The Committee also notes that a ruling by the Dispute Settlement Body of the World Trade Organization in mid-1997 which ended the preferential banana-trade regime between the Windward Islands and the European Union may result in severe economic and social disruption in Saint Vincent and the Grenadines, and thus have adverse consequences on its ability to implement certain provisions of the Covenant, including articles 6 and 11.

416. The Committee also notes that the islands are frequently afflicted by natural disasters, such as volcanic eruptions (for instance, in 1979 the eruption of the Soufrière forced thousands of people to be evacuated) and hurricanes (in 1987, hurricane Emily destroyed 70 per cent of the banana crop), with significant economic and social costs.

D. Positive aspects

417. The Committee notes that Saint Vincent and the Grenadines has achieved satisfactory economic and social indicators (according to the UNDP Human Development Report 1997, Saint Vincent and the Grenadines ranks among countries with a high development index), and that efforts have been made to diversify sources of revenue from tourism, light manufacturing, construction and wholesale and retail trade, with a view to reducing the economy's vulnerability to international market fluctuations.

418. The Committee notes that numerous initiatives have recently been undertaken by the Department of Women's Affairs in the field of educational and other programmes aimed at promoting family life and the respective roles of men and women in society, as well as at addressing the problem of teenage pregnancies. The Committee welcomes the setting up of a family court under the Domestic Violence Act of 1995 to deal specifically and speedily with cases of domestic violence, which, according to the State party's report to the Committee on the Elimination of Discrimination against Women (CEDAW), is a major problem in Saint Vincent and the Grenadines. The passing of an Equal Pay Act and the setting up of a Land Reform Programme to assist rural women to have access to more land and to broaden their economic base are also welcome developments.

419. With respect to article 9 of the Covenant, the Committee notes with appreciation the increase in expenditures on social security from 2.6 per cent of total government expenditures in 1980-1985 to 8.3 per cent in 1989-1994, according to the World Bank's Social Indicators of Development 1996.

420. With respect to article 12 of the Covenant, the Committee welcomes efforts made to develop the health-care system throughout the country. In particular, it welcomes the development of local health systems through the establishment of district health teams and health committees in all geographical areas of the country. The Committee further welcomes developments in relation to antenatal and post-natal health care, prevention and information programmes on AIDS through the National AIDS/Sexually Transmitted Disease Prevention and Control Programme set up in 1989, and family planning. The Committee welcomes the fact that the population-per-physician figure decreased from 5,500 in 1970-1975 to 2,619 in 1989-1994, that the neonatal and infant mortality rates are gradually declining and that the immunization coverage is nearly 100 per cent.

E. Principal subjects of concern

421. As may be inferred from the core document submitted by the State party (HRI/CORE/1/Add.36) and its report to CEDAW, the rights enshrined in international human rights instruments cannot be directly invoked before or interpreted by the courts of the State party but can only be enforced where they are incorporated in comparable provisions of the Constitution or a statute. The Committee consequently expresses concern about the implementation and protection of those rights recognized in the Covenant which are not incorporated in the Constitution or a statute, since there is no means of redress or remedy in case of violation of those rights. The Committee also notes that, although the State party has been a member of the International Labour Organization since 1995, it has yet to ratify any ILO convention.

422. With respect to the general provisions of the Covenant, the Committee notes with concern that, according to the findings of the Committee on the Elimination of Racial Discrimination, there are occurrences of racial discrimination in Saint Vincent and the Grenadines, and that members of certain minorities, such as the Amerindians and Asians, form a disproportionate part of the lower-income levels. It also notes that disabled people are effectively discriminated against by the absence of specific legislation to cater for their special needs and to provide them with appropriate facilities.

423. With respect to article 3 of the Covenant, the Committee notes that, despite efforts by the Government, in particular at the legislative level, discrimination against women is still a major problem. In particular, it notes that, according to the State party's report to CEDAW, women are accorded low wages, low status and little opportunity for economic development. Moreover, the Committee notes that obstacles remain for women at the tertiary education level, that occupational segregation in the labour market persists, in particular at the decision-making level and in the public sector, and that women have limited access to credit and land ownership. Moreover, the Committee expresses concern about the incidence of domestic violence, which, according to information received from non-governmental organizations, seems to be on the rise.

424. The Committee expresses its concern about the high official rate of unemployment in Saint Vincent and the Grenadines (19.8 per cent in 1991 - 22.1 per cent for women and 18.4 per cent for men). The lack of information on measures taken by the Government in accordance with article 6, paragraph 2, of the Covenant is thus a subject of concern for the Committee.

425. With respect to article 7 of the Covenant, the Committee expresses concern that, according to reports available to it, legislation in respect of occupational safety and health is significantly outdated. It also notes that the State party, in its report to CEDAW, recognized that, due to financial constraints within the Ministry of Labour, labour inspections are not efficiently and regularly conducted and that employers do not always report accidents and occupational diseases to Labour Department officers, as they are required to do under the Accidents and Occupational Diseases (Notification) Act. Furthermore, according to information available to the Committee, the current minimum wage is insufficient to provide a decent standard of living, and the Wages Council has not reviewed the minimum wage for more than seven years, despite its legal obligation to do so every two years.

426. The Committee notes with concern that no law has yet been passed to recognize the right of workers to form and join trade unions, to organize and to strike, and that, as a consequence, the implementation of the rights under article 8 of the Covenant is left to the goodwill of employers.

427. With respect to the right to social security, the Committee expresses concern about the fact that employers do not comply with their legal obligation to send information and contributions for their employees to the National Insurance Scheme (NIS), and about the high incidence of failure of employers to register domestic workers under the scheme. Furthermore, it notes the absence of provision for registration of self-employed persons under

the NIS, and that, although the NIS provides for benefits to be paid in case of sickness, invalidity, retirement and death, no provision is made for compensation in case of workplace accidents.

428. Moreover, the Committee is concerned about the lack of social protection for working minors, due to the discrepancy between the minimum age for employment (16) and the minimum age for receiving a national insurance card (18) under the NIS.

429. The Committee expresses concern about the absence of a comprehensive scheme for maternity leave, with the result that not all female workers benefit from such leave.

430. With respect to article 11 of the Covenant, the Committee notes with concern that the number of squatter households has grown rapidly in Saint Vincent and the Grenadines in recent years, and that many squatters reside in dwellings which fall short of the conditions listed in paragraph 8 of the Committee's General Comment No. 4 (1991) on the right to adequate housing. 7/ The Committee notes that the absence of a national housing policy and the halting of all public housing construction have aggravated these problems.

431. The Committee notes with regret reports received of occurrences of forced evictions, in particular a case where 150 persons were forced to leave their traditional homes and land as a result of the construction of a cruise-ship berth. The Committee was informed that, although the persons thus evicted received some cash compensation, they were not offered alternative accommodation. The Committee recalls in this respect its General Comment No. 7 (1997) on forced evictions (see annex IV).

432. The Committee notes with concern that the cost of food and rent rose considerably higher than the general consumer price index between 1990 and 1995 and that, according to information received, 10.8 per cent of all households derive their domestic water supply from springs, rivers, streams and other communal catchments.

433. In view of the high rate of unemployment in Saint Vincent and the Grenadines, the Committee expresses the hope that the Government will shortly be able to establish a scheme for the provision of unemployment benefits.

434. With respect to the right to health, the Committee notes with concern the high incidence of pregnancies among females of school age (between 1988 and 1991, 24 per cent of all births were to teenage mothers), and underlines that such pregnancies often have adverse consequences for the health of the child and of the mother and for the latter's ability to continue her studies.

435. With respect to the right to education, the Committee notes with concern that, as mentioned by the State party in its report to CEDAW, there is no legal requirement that children attend school. It also expresses concern about reports received from non-governmental organizations on the lack of teachers and teaching materials, notably at the primary level, on the recent significant increase in educational fees, and on the insufficiency of facilities at the post-secondary level of education. Moreover, the recent economic downturn, which affects banana farmers in particular, has led to a

situation in which more and more children do not attend school, thus affecting those children's right to compulsory primary education. Furthermore, the Committee views with concern the lack of literacy programmes for adults, while the appointment of the Adult Education Coordinator is welcomed.

F. Suggestions and recommendations

436. The Committee reiterates its request that the Government of Saint Vincent and the Grenadines actively participate in a constructive dialogue with the Committee on how the obligations arising from the International Covenant on Economic, Social and Cultural Rights can be fulfilled in a more adequate manner. It draws the Government's attention to the fact that the Covenant creates a legal obligation for all States parties to submit their initial and periodic reports and that Saint Vincent and the Grenadines has been in breach of this obligation for many years.

437. The Committee recommends that the Government of Saint Vincent and the Grenadines avail itself of the advisory services of the Office of the United Nations High Commissioner for Human Rights in order to enable it to submit as soon as possible a comprehensive report on the implementation of the Covenant in conformity with the Committee's revised guidelines regarding the form and contents of reports 4/ and with particular emphasis on the issues raised and concerns expressed in the present concluding observations. The Committee also encourages the Office of the High Commissioner for Human Rights, through its programme of advisory services and technical cooperation, to make expert assistance available to the Government for the purpose of formulating policies on economic, social and cultural rights and developing the implementation of coherent and comprehensive plans of action for the promotion and protection of human rights, as well as for developing adequate means of evaluating and monitoring their realization.

Chapter VI

DAY OF GENERAL DISCUSSION

Seventeenth session, 1 December 1997 12/

The normative content of the right to food (article 11 of the International Covenant on Economic, Social and Cultural Rights)

A. Introduction

438. On 1 December 1997, the Committee held a day of general discussion on the normative content of the right to food (see E/C.12/1997/SR.46-47). This initiative was prompted in part by the outcome of the World Food Summit and in part by the Committee's wish to follow up its own earlier discussions on the issue. The day was also intended to lay the groundwork for the elaboration of a general comment dealing with relevant aspects of article 11 of the Covenant.

439. From 13 to 17 November 1996, the World Food Summit was held in Rome, in conformity with resolution 2/95 of 31 October 1995 of the Conference of the Food and Agriculture Organization of the United Nations. In objective 7.4 (e) of the Plan of Action adopted by the World Food Summit, the United Nations High Commissioner for Human Rights and the relevant treaty bodies were invited to "better define the rights related to food in article 11 of the Covenant and to propose ways to implement and realize these rights as a means of achieving the commitments and objectives of the World Food Summit, taking into account the possibility of formulating voluntary guidelines for food security for all".

440. The day of general discussion formed part of a two-day consultation on the right to food. The second part consisted of a seminar organized by the Office of the High Commissioner for Human Rights, which was devoted primarily to consideration of the institutional dimensions of the issues raised in the World Food Summit Plan of Action and in the Committee's day of general discussion. A report on the consultation prepared by the Office of the High Commissioner is contained in document E/CN.4/1998/21.

441. Participants in the day of general discussion included:

- Mr. Medrano, Chairman, Committee on World Food Security (CFS), FAO;
- Mr. Vercueil, Director, Agriculture and Economic Development Analysis Division, FAO;
- Mr. Eide, World Alliance for Nutrition and Human Rights (WANAHR)/ Norwegian Institute of Human Rights/ACC Subcommittee on Nutrition;
- Mr. Faundez-Ledesma, Jacques Maritain Institute;
- Mr. Kracht, WANAHR/Norwegian Institute of Human Rights;
- Mr. Oshaug, WANAHR;

- Mr. Windführ, FIAN - Foodfirst Information and Action Network;
- Mr. Marchione, United States Agency for International Development (USAID);
- Ms. Koch, NGO Working Group on Nutrition;
- Ms. Barth-Eide, WANAHR/Norwegian Institute of Human Rights;
- Mr. Kent, Coordinator, Task Force on Children's Nutrition Rights;
- Mr. Dobbert, World Federation of United Nations Associations.

B. Opening remarks

442. Ms. Robinson (United Nations High Commissioner for Human Rights) opened the day of general discussion by underlining that all recent United Nations global conferences and summits had touched on the importance of economic, social and cultural rights, citing in particular the World Conference on Human Rights (Vienna, 1993), the World Summit for Social Development (Copenhagen, 1995) and the World Food Summit (Rome, 1996). The High Commissioner noted that both the Copenhagen and the Rome Summits had stressed the importance of the Committee on Economic, Social and Cultural Rights in monitoring States parties' compliance with their obligations under the Covenant, including the right to adequate food under its article 11.

443. The High Commissioner emphasized that the World Conference on Human Rights had reaffirmed that all human rights were universal, indivisible and interrelated. However, she noted that, whereas clear standards had been set regarding the content of civil and political rights, the precise meaning of economic, social and cultural rights, including that of the right to adequate food, remained vague. In that respect, she welcomed the fact that one of the objectives of the World Food Summit Plan of Action was "To clarify the content of the right to adequate food and the fundamental right of everyone to be free from hunger, as stated in the International Covenant on Economic, Social and Cultural Rights and other relevant international and regional instruments, and to give particular attention to implementation and full and progressive realization of this right as a means of achieving food security for all" (objective 7.4). To that end, the World Food Summit had invited the Committee on Economic, Social and Cultural Rights to continue monitoring the implementation of the specific measures provided for in article 11 of the Covenant, and other relevant treaty bodies and appropriate specialized agencies of the United Nations to consider how they might contribute to the further implementation of that right.

444. Moreover, the World Food Summit had specifically invited the High Commissioner, in consultation with relevant treaty bodies, and in collaboration with relevant specialized agencies and programmes of the United Nations system and appropriate intergovernmental mechanisms, to define better the rights related to food in article 11 of the Covenant and to propose ways to implement and realize those rights as a means of achieving the commitments and objectives of the Summit, taking into account the possibility

of formulating voluntary guidelines for food security for all (objective 7.4 (e)). That invitation had later been endorsed by the Commission on Human Rights in its resolution 1997/8.

445. Therefore, while stressing that the right to food was recognized in international law, the High Commissioner noted that the present task was to define better the rights related to food in article 11 of the Covenant and to envisage their better implementation, building on the expertise and methodological findings of the Committee on Economic, Social and Cultural Rights. In that respect, the academic and non-governmental communities had made a significant contribution to the elaboration of criteria for implementing economic, social and cultural rights which might be applied to the right to food, such as the Limburg Principles, adopted in 1986, followed 10 years later by the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights. A code of conduct on the implementation of the right to food had also been prepared by the FIAN - Foodfirst Information and Action Network after consultations among non-governmental organizations.

446. The High Commissioner indicated that, in a study on "The Right to Adequate Food as a Human Right" prepared for the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Asbjørn Eide, acknowledging that an examination of the right to adequate food could not be undertaken without considering the broader international legal framework within which it had been proclaimed, had considered it necessary to look at the precise nature and standing of the rights contained in the Covenant. State obligations regarding human rights were thus divided into three levels: the obligations to respect, to protect and to fulfil human rights. A distinction should be drawn between obligations of conduct and obligations of result.

447. In conclusion, the High Commissioner underlined that the current consultation could draw from all these contributions and build on them while outlining future action, and that several questions had to be answered: Whose responsibility was the implementation of the right to food at the international, national and local levels? How was one to apply the legal framework in concrete cases? What role should civil society play?

448. Mr. Medrano (Chairman, Committee on World Food Security, FAO), underlying the central role of his Committee in the preparation of the texts and in the discussion leading up to the adoption of the Rome Declaration on World Food Security and the World Food Summit Plan of Action, said that the Committee on World Food Security was currently responsible for monitoring the implementation of the Plan of Action. In objective 7.4 of the Plan of Action, heads of State and Government had expressly recognized the Committee on Economic, Social and Cultural Rights as the appropriate United Nations forum to define the content and scope of the right to food under article 11 of the Covenant, and had invited the High Commissioner for Human Rights to define better the rights related to food in article 11 and to propose ways to implement and realize those rights.

449. The Committee on World Food Security awaited with interest the results of the current discussion on the normative content of the right to food, and

Rome Declaration. It would also pave the way for official recognition by the General Assembly of the right to food as a fundamental human right in the year of the fiftieth anniversary of the Universal Declaration of Human Rights.

450. Mr. Vercueil (Director, Agriculture and Economic Development Analysis Division, FAO) welcomed the holding of a general discussion on the right to food as a human right and a seminar on the subject. He recalled the Memorandum of Understanding concluded between the Director-General of FAO and the United Nations High Commissioner for Human Rights and welcomed the fruitful collaboration between the two institutions in following up the World Food Summit.

451. In presenting the background paper submitted by FAO, he underlined the significance of the political, conceptual and practical guidance provided by the World Food Summit Declaration and Plan of Action for accelerated progress towards food security for all. FAO's activities were aimed at assisting member States in designing and implementing policies for sustainable food security. Agricultural development was critical, particularly in low-income food-deficit countries, to improving food supplies and generating income and employment in rural areas where the majority of the poor lived. The Special Programme for Food Security, targeted to those countries, aimed at achieving rapid increases in productivity, based on the dissemination of proven techniques through a participatory process, with particular attention to economic, social and environmental sustainability. Assistance in designing targeted food-assistance schemes, food-security information systems and early warning, preparedness for and response to food emergencies, and agricultural rehabilitation linking relief to development were other essential areas of support. The role of national legislation in furthering the right to food was also analysed in the paper with a view to possible assistance to Governments in that respect.

452. The Committee on World Food Security, open for full membership to all United Nations Member States, had been the body responsible for the negotiation and elaboration of the World Food Summit Declaration and Plan of Action. It had been entrusted by the Summit with monitoring the implementation of the Plan of Action and had set up a provisional framework for country reporting on all aspects of national implementation to its 1998 session. The Committee would also consider reports on follow-up by other United Nations agencies and inter-agency coordination, including reports on progress in implementing objective 7.4 of the Plan of Action regarding clarification of the content of the right to food. The inter-agency coordination mechanisms put in place under the aegis of the Administrative Committee on Coordination for follow-up to the World Food Summit entailed country-level coordination through thematic groups in the framework of the resident-coordinator system and an ACC network on rural development and food security operated jointly by FAO and IFAD, with active involvement by WFP.

453. The 29th FAO Conference held recently had welcomed the conclusion of the Memorandum of Understanding between FAO and the High Commissioner for Human Rights and had adopted a resolution recognizing the follow-up by the High Commissioner to objective 7.4, urging that priority be given to the better
implementing the right to food and inviting

454. The Chairperson said that he wished to launch the debate on the "missing" right that was the right to food by asking: why was the right to food invisible? Why did some Governments ignore or tend to deny it and why was the United Nations system not mobilizing its resources around the right to food? The suggestion made by the Chairman of the Committee on World Food Security that the right to food be recognized as a fundamental human right by the General Assembly was very pertinent.

455. Although the right to food was acknowledged in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Rome Declaration, the first issue to be addressed in the current discussion was whether food was actually recognized as a right by Governments, institutions and the many non-governmental organizations in the human rights and development fields. In that regard, a question that the Committee might wish to reflect on was whether there was in fact a need to speak of a right to food, or whether it would be sufficient to continue speaking of food security and the fight against hunger. The recognition of women's rights as fundamental human rights had transformed the women's movement and focused efforts to improve the situation of women. In the same way, recognition of a right to food to which every individual was entitled would help to change entrenched attitudes and mobilize action to improve food security.

456. The second issue to be considered was the normative content of the right to food. The Committee, without entering into specific details - since the precise measures required would differ from one country and one situation to another - should consider how to spell out the nature of the obligation in general terms, because the real challenge was more in the procedural than in the substantive domain.

457. The focus should be put on the following questions. What was meant by "the right to food"? How could the right be claimed? How could Governments and other bodies be made accountable for the realization of the right? What was the role of domestic legislation in the implementation of the right? Who were the principal actors and what should they be doing? In his view, the actors were the market, civil society - including non-governmental organizations - Governments, the courts, administrative agencies, national human rights commissions and international organizations. Some specific questions arose as to what sort of statutory recognition of the right the Committee should seek from Governments - constitutional or legislative; what role the courts might play in the protection of the right; whether the administrative agencies could devise creative procedures for its fulfilment; and whether the various national human rights commissions could be mobilized on behalf of the right to food. The Committee should also consider cooperating with the Committee on World Food Security to encourage Governments to monitor their own behaviour; and the question of the role that could be played by the Office of the High Commissioner for Human Rights, FAO, WFP and IFAD should be explored.

C. Is there a right to food?

effectively fulfilled, Governments would need to design and implement social and economic standards that would ensure the right, and it was the Committee's responsibility to make sure that they did. The Committee was responsible for translating the economic, social and cultural rights "standard", in order to avoid its being only a moral obligation.

459. Mr. Riedel pointed out that, while developed countries prided themselves on their constitutional provisions in the matter of civil and political rights, the right to food was not incorporated as such in law. He cited the example of Germany, where the constitutional guarantee of human dignity was used indirectly to uphold the right to food. Moreover, many European countries resorted to the provisions of article 2, paragraph 1, of the Covenant, on the progressive realization of the rights enshrined in the Covenant, to justify their failure to implement the terms of article 11. The Committee should therefore focus its attention more on mechanisms and procedures whereby Governments would be made accountable for fulfilling their obligations regarding the right to food than on the meaning of the right itself.

460. Addressing the latter point, the Chairperson said that Governments should perhaps be asked to recognize formally the existence of the right to food. He also stressed that, by allowing developed countries to focus on the right to an adequate standard of living while insisting that developing countries acknowledge the right to food, the Committee was perhaps contributing to the perpetuation of a dramatic double standard.

461. Mr. Eide (World Alliance for Nutrition and Human Rights/Norwegian Institute of Human Rights/ACC Subcommittee on Nutrition) said that, in his view, industrialized countries should explicitly recognize the rights to food and to housing as part of the adequate standard of living required under article 11, paragraph 1, of the Covenant. Those rights should therefore be incorporated in domestic legislation.

462. Rights did not become effective remedies unless civil societies championed them and took action to ensure the establishment of remedies. Industrialized and urbanized countries focused their attention on the right to an adequate standard of living, and the realization of that right depended on a number of mechanisms which also tacitly ensured the right to food. The question arose whether national laws should explicitly guarantee it.

463. Mr. Rattray said it was universally recognized that survival depended on food. The existence of the right to food must be recognized in order for it to gain meaning.

464. Mr. Pillay said that, if there was a right to food, its incorporation in national legislation was necessary to ensure that people could seek redress in the courts and compel States to fulfil their obligations; that applied to developed and developing countries alike. There was no point in educating people about their right to food if there was no national legislation to ensure its observance. But that gave rise to another question: why give preference to the right to food? In his view, the rights to work and to housing were equally important.

465. Mr. Sadi wondered whether it was proper or feasible to consider isolating the right to food from other rights, such as the rights to work, to health and to housing.

466. The Chairperson, in response to the last two points, said that he agreed with those who contended that the right to food had to be seen within a package, but he pointed out that the component parts of the package could not be overlooked.

467. Mr. Adekuoye said that, in transition societies in terms of economic development, in which the extended family was required to look after its members, the explicit recognition of the right to food would come as a surprise. Perhaps that was one reason why, although they had ratified the Covenant, some Governments unwittingly believed that the right to food did not impose any obligation on them, but rather on the extended family. Low-income societies had very little resources to devote to any right at all, and it therefore made no sense for the Committee to ask the same questions of delegations from affluent countries as it did of delegations from poorer countries. No one asked affluent countries whether they were setting aside 0.7 per cent of their gross domestic product for official development assistance, although that question was most relevant in today's world.

468. Mr. Faundez-Ledesma (Jacques Maritain Institute) said that, in his view, the right to food was already firmly established by international law. The main question was not to decide whether the right existed, but to agree on its implications, i.e. what claims and obligations stemmed from it? It was his opinion that, when economic and social rights were dealt with, there was a tendency to forget that States parties had undertaken to fulfil their obligations under the Covenant to the maximum extent of their available resources.

469. Mr. Kracht (World Alliance for Nutrition and Human Rights/Norwegian Institute of Human Rights) said that the approach based on essential needs was in fact disguised charity, because of the lack of any form of accountability. On the contrary, the approach based on the recognition of the right to food would create obligations and lead to accountability.

470. Mr. Ahmed said that, instead of asking the General Assembly to recognize the right to food as a fundamental human right, it could be proposed that the Assembly and the Committee on World Food Security invite States parties to the Covenant to submit annual reports concerning the situation with respect to food production and distribution in the country and the number of persons in need of national or international assistance, and giving an overview of measures taken to implement the population's right to food. If that experience proved fruitful, it might lead States parties to take measures and adopt legislation.

471. Mr. Sadi noted that, while certain international bodies were conducting campaigns for the right to food, global economic forces were pursuing the free-market values of profit and gain. In his view, the crux of the matter lay in that contradiction. He cited the example of Jordan, where a few years previously IMF and the World Bank had requested that food subsidies be halted, which had caused riots in the country.

D. What is the normative content of the right to food?

472. Mr. Eide said that the international human rights system was based on the assumption that it was States which had the primary obligations. That did not mean that the State had to be the provider of all rights. The need to proceed on the assumption that the individual was not only the object, but also the active subject of development, and that individuals should seek to improve their situation on their own was clear. However, when the possibility of improving one's situation was adversely affected by aggressive market forces, then the State had an obligation to protect individuals' rights. Only when people failed to attend to their own needs did the provider function come into play. In any event, it was important to define the content of the right to food, which was a right to nutritionally adequate, safe and culturally acceptable food, three aspects embraced in the FAO background paper.

473. Mr. Kracht had proposed a comprehensive definition of the content of the right to food in his background paper: "The realization of the right to adequate food requires: (a) the availability of food, free from adverse substances and culturally acceptable, in a quantity and quality which will satisfy the nutritional and dietary needs of individuals; (b) the accessibility of such food in ways that do not interfere with the enjoyment of other human rights and that are sustainable." It was incumbent on States to complement that definition according to national specificities. The focus should be placed on States' obligations, and it should be recalled in that respect that, under article 2, paragraph 1, of the Covenant, States parties undertook "to take steps, individually and through international assistance and cooperation ... with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures". A panoply of legislation was required to enable people to have a way to lodge a claim, and it would be useful to start thinking about a framework law at the domestic level, which could then serve as a point of reference. Moreover, in its reporting guidelines, the Committee should ask States parties to indicate whether laws had been adopted, and whether there were any factors and difficulties which prevented them from giving full effect to the provisions of those laws.

474. Mr. Rattray said that the right to food should not signify the minimum necessary for bare survival. The beneficiaries of the right to food should be made aware of their right, so as to be in a position to assert it, and Governments must come to see the provision of food not as a charitable act, but as an obligation. Since government actions often determined the availability of food to populations, food-security impact assessments, to be used at both the national and the international levels in the development of policies, were required.

475. Mr. Oshaug (World Alliance for Nutrition and Human Rights) said that developed countries were not in fact dismissing the right to food, since the right was seen as an integral part of the notion of security of livelihood. The matter at hand was how individuals could claim the right to food.

476. Mr. Windführ (FIAN - Foodfirst Information and Action Network) said that

discussing the right to food because they feared that it would oblige them to make donations to foreign countries and that it would allow asylum seekers and unemployed persons to claim greater material support. Care should therefore be taken in defining the content of the right to food, so as not to burden countries with obligations that they would not be able to fulfil. The right to food should no longer be seen as a development measure, but as a right of individuals to be claimed from the State. The matter at hand had very little to do with merely giving away food. Article 11 of the Covenant covered the right to an adequate standard of living and also the fundamental right of everyone to be free from hunger. In his opinion, the latter could be called the core content, something which States must guarantee immediately, whereas the former focused on aspects which could be achieved only gradually, by using the maximum of available resources. That idea could be the first step towards identifying the normative content of the right to food.

477. Referring to Mr. Kracht's definition of the right to food (see para. 473 above), he said that it constituted a basis, but lacked the obligation element. It should therefore be linked to the obligations of States. Governments should be asked to identify the most vulnerable groups in society, to elaborate policies favourable to those groups, and to ensure that sufficient resources were made available to them.

478. Domestic legislation had an important role in the protection of the right to food, particularly with respect to the most vulnerable groups in society, who faced identical problems from one country to another. Firstly, emphasis should be placed on the responsibility incumbent on States, which must implement the right to food in their own territory and respect the right to food of the populations of other countries. It was of the utmost importance, in an era of globalization, for States to have control over the impact of their policies within and outside their territory, in order for the right to food to reach its full dimension. Secondly, attention should be drawn to the responsibility of the international community and system, which in certain cases imposed constraints on States. Thirdly, the important role that could be played by non-governmental organizations in monitoring the implementation of the right to food should not be forgotten, although he noted that most NGOs gave more attention to the realization of civil and political rights than to the right to food.

479. Ms. Bonoan-Dandan said that States parties were often reluctant to recognize the rights set out in article 11 of the Covenant, because they misread them to mean that Governments themselves must feed people and build houses. The discussion must focus on how to define legislation that would both reflect the right to food and ensure that States were accountable for its realization. Such a discussion must be couched in terms that Governments would be able to accept.

480. The Chairperson, pointing out that it was easy to present the right to food in unrealistic terms, as a right of any person to obtain food without any obligations attached, said that the discussion should perhaps focus on what the right to food was not.

481. Mr. Antanovich said that he saw the right to food as meaning, on an individual level, the right not to starve to death. At the national level, it meant that a nation must be self-sufficient, which was in itself an

obligation. At the international level, assistance took on importance in the event of natural and man-made disasters and in the context of international efforts to increase production.

482. Mr. Riedel said that the food security matrix presented in the FAO background paper clearly showed a focus on the obligations of the State. In his view, there was another side to the coin: a right to food essentially applied to each and every individual. The question then was what exactly that right entailed? As to the content of the individual right, the Committee should take article 11 of the Covenant as the point of departure and proceed on the basis of its General Comment No. 3 (1990) on the nature of States parties' obligations 10/ to see how much of the article could be converted into individual rights. In his opinion, article 11 contained quite a number of such rights.

483. Mr. Kracht's definition of the right to food (see para. 473 above) was a very good starting point. It could be completed by a list of the various indicators and other elements to be taken into account in evaluating the degree of implementation of the right to food in different countries.

484. Mr. Pillay said that, if the right to food was to be written into law, the discussion should focus on the minimum content of the right, so that States could be required to meet their obligations. The core content might be the right not to starve.

485. Mr. Faundez-Ledesma said that the issue regarding the content of economic and social rights, including the right to food, was whether those rights could be enforced, at both the national and the international levels. At the present time, it was not possible to lodge a claim for a violation of the right to food.

486. Mr. Kracht said that it was important to define the precise content of the right to food. Every individual had the right to feed himself or herself, and the State had the obligation to respect and protect that right. The first obligation of the State was to recognize and protect the right to food; only as a last resort, i.e. when individuals were prevented from exercising that right, must the State take on the role of provider. That was the notion of a safety net as defined by FAO. Next, the issue of procedures at the national and international levels should be explored. How was one to define them? A clear distinction should be established between the proper content of the right to food and its operationalization, the latter being country specific. The minimum content of the right to food did not address the obligation, but included: access to food; access to means of food production; adequate nutrition; and food quality, including clean and safe water. In his view, the right to food encompassed the right to nutrition.

487. Mr. Marchione (United States Agency for International Development) said that, in defining the content of the right to food, it would be useful for the Committee to adopt Mr. Eide's framework: protect, respect, fulfil and provide. The Committee should also endeavour to involve civil society and communities in the elaboration of measures aimed at giving full effect to the provisions of the Covenant relating to the right to food.

488. Ms. Koch (NGO Working Group on Nutrition) said that, in defining the content of the right to food, an analysis should be carried out with a view to monitoring the gender perspective. Women were responsible for more than 60 per cent of global food production, although they too frequently lacked access to land, credit, training and technology.

489. Mr. Vercueil said that the Committee on World Food Security had a mandate to set up mechanisms to define quantitative and food-security indicators, and to identify groups affected by food insecurity or those at risk. The World Food Summit Plan of Action contained numerous objectives along the same lines as the action by the Committee on Economic, Social and Cultural Rights. The multidimensional nature of the follow-up to the Summit supposed action at the national, intergovernmental and inter-institutional levels, as well as coordination and cooperation within the United Nations system.

490. Mr. Medrano said that the content of the right to food was expressed in the Rome Declaration on World Food Security as "the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger" (first paragraph). It would be useful for the Committee, when clarifying the legal content of the right to food, to widen the definition given in article 11, paragraph 2, of the Covenant - "the fundamental right of everyone to be free from hunger" - in order to incorporate such notions as that of food security.

E. What is the role of the Committee?

491. Mr. Antanovich said that, to date, the Committee had not given sufficient attention to the right to food. Its reporting guidelines should insist on the obligation incumbent on States to protect, respect, facilitate and ensure fully the exercise of the right to food. The Committee should also gather the information it received concerning measures taken by States parties to implement the right to food, some of which had been very effective. The results of such a study could be presented in a publication.

492. Ms. Barth-Eide (World Alliance for Nutrition and Human Rights/Norwegian Institute of Human Rights) suggested that the Office of the High Commissioner for Human Rights might provide advisory services to Governments in relation to the right to food, particularly in the elaboration of laws. With respect to the Committee's role, it could invite States parties, in its reporting guidelines, to provide detailed information on the right to food and on the organs responsible for gathering the information used by those charged with the preparation of reports to the Committee.

493. The Chairperson said that the Committee had always encountered difficulties in obtaining sufficient and relevant information from States parties on the right to food. It seemed that Governments were less reluctant to provide such information to FAO or the Committee on World Food Security, and the Committee on Economic, Social and Cultural Rights should use that information.

494. Mr. Oshaug said that the Committee's reporting guidelines should indicate to States parties that information was being sought to help them identify their problems in order to contribute to development; their

reluctance to provide information would then diminish, as would the fear of many countries of being the subject of criticism from the Committee for violation of human rights. In more practical terms, and with a view to not increasing the reporting burden on States parties, a common framework for the elaboration of reports on the issue of the right to food should be set up, which would lead to closer coordination between the various United Nations organs dealing with the subject. That would eventually pave the way for the implementation of a joint policy in the area of food and nutrition among the various United Nations organs.

495. With respect to the last suggestion, the Chairperson indicated that the United Nations system, as it existed now, was not in favour of coordination among its various organs at a general level. The Committee should, however, give careful attention to the activities of FAO, the Committee on World Food Security and other organs dealing with the right to food in the performance of its own mandate, i.e. in monitoring the implementation of economic, social and cultural rights in States parties.

496. Mr. Kent (Coordinator, Task Force on Children's Nutrition Rights) suggested that the Committee should draft a standard law concerning the right to food which States parties could use as a model in drafting their own legislation, and which could be included in the Committee's reporting guidelines. The standard law should define precisely the rights to which individuals would be entitled, States' obligations, the organs responsible for ensuring compliance with those rights, the mechanisms responsible for monitoring those organs' activities (such as an ombudsman, or United Nations treaty mechanisms) and the remedies available for violation of the right to food.

497. Mr. Medrano said that the Committee on World Food Security (CFS) was waiting for States to provide it with information on measures which they had taken for the implementation of the World Food Summit Plan of Action, information which would be added to that provided to other international mechanisms. In that connection, it was important that the Committee on Economic, Social and Cultural Rights establish and propose to CFS and to the whole United Nations system a joint and basic concept of the right to food, as well as criteria and indicators for its implementation. Such a step involved close coordination. Some of the information requested from States parties by the Committee on Economic, Social and Cultural Rights was linked to information which they were supposed to submit to CFS. Thus, in order to avoid duplication, the Committee might envisage the possibility of using States' reports to CFS on the implementation of the World Food Summit Plan of Action.

498. The Chairperson said that that proposal was very interesting, all the more so since the same initiative had been successfully undertaken in relation to ILO and its monitoring mechanism with respect to ILO Conventions. The Committee would thus provide information on legislative aspects, the types of remedy available, and so on, and use CFS reports for technical information and an overview of the situation. The Committee should carefully study the proposal.

499. Mr. Riedel asked whether the Committee should revise its reporting guidelines or, as was his view, adopt a general comment on the content of the

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right to food and the notion of accountability. In the latter case, it would be important to address the issue of means of ensuring implementation and follow-up, and not only the issue of the normative content of the right to food.

500. Mr. Dobbert (World Federation of United Nations Associations) said that the Committee should seriously envisage the revision of its reporting guidelines, as well as the possibility of adopting a general comment on the right to food. Lists of issues drawn up by the Committee in preparation for the consideration of States parties' reports should be more detailed. Governments should be encouraged to promote the participation of non-governmental organizations, including those active in the area of the right to food, in the drafting of their reports to the Committee. Finally, follow-up of the Committee's recommendations should be strengthened, with the assistance of the Office of the High Commissioner for Human Rights.

501. Ms. Jiménez Butragueño proposed that a general comment on the right to food be adopted by the Committee, and that the revision of the reporting guidelines then be envisaged taking into account the general comment.

502. Mr. Windführ said that, in the absence of any document enunciating clearly how the right to food was violated and what the obligations of States were in that regard, non-governmental organizations would find it difficult to satisfy the Committee. In his view, the Committee's reporting guidelines, particularly the section dealing with article 11 of the Covenant, were useful, in that they were organized in a precise framework which allowed the Committee to be provided with the requested information.

503. The Chairperson, concluding the Day of General Discussion, expressed the hope that collaboration between the various actors involved would be strengthened and made more constructive in the future, and that they would support the Committee's proposal for an optional protocol to the Covenant providing for the receipt of communications concerning alleged violations of the Covenant. He also expressed the hope that the Committee would be able to discuss a draft general comment on the right to food at its next session.

Chapter VII

REVIEW OF METHODS OF WORK OF THE COMMITTEE

504. At its sixteenth session, the Committee established an informal working group to discuss the desirability of introducing procedural reforms in the light of the Committee's plenary discussions during its day of general discussion on 12 May 1997. 12/ The working group met twice, on 13 and 14 May 1997. On the basis of its proposals, the Committee adopted the following analysis.

A. Two major challenges

1. Backlog of reports

505. The backlog of States parties' reports to be considered is unacceptable for several reasons:

(a) With the existing backlog, the possibility of examining reports, inasmuch as they are considered in chronological order, is delayed by two years or more;

(b) As more reports are submitted the backlog will get much worse;

(c) This situation causes significant inconvenience to States parties;

(d) By the time the pending reports are finally considered they may require considerable updating;

(e) Specialized agencies, non-governmental organizations and others with an interest in the reports cannot plan properly under such circumstances.

506. Thus all available options need to be explored. However, the enhancement of the procedures must not come at the expense of the quality of the Committee's examination of reports or of its dialogue with States parties.

2. A better focused dialogue

507. The Committee's dialogue with States parties is often too diffuse and untargeted, making it difficult for representatives who wish to answer constructively to do so adequately and making it very easy for representatives who prefer to keep the dialogue at a level of generality and abstraction.

508. Putting in place procedures to underpin a more clearly focused dialogue would have several advantages:

(a) It would provide, in advance, a better indication of the principal issues;

(b) It would demonstrate the Committee's knowledge of the situation and its desire and capacity to go into selected issues in depth;

(c) It would facilitate requests to specialized agencies and NGOs for targeted and up-to-date information on specific issues;

(d) It would enhance the prospect that genuine experts would be sent by the reporting State;

(e) It would facilitate the preparation of clearer and more precise concluding observations, thus enabling the State party, NGOs and the media to know precisely how things stood and providing a much stronger basis for follow-up measures by the Committee.

B. Medium-term initiatives

1. Additional session

509. The Committee will request the Economic and Social Council to authorize, on an exceptional basis, the holding of one additional session during 1998 to deal with outstanding reports.

2. Programme of action

510. The Committee calls upon the United Nations High Commissioner for Human Rights, States parties and all other interested parties to support the programme of action proposed by the Committee [13] and to seek to make it operational by early 1998.

3. Elimination of comprehensive reports

511. The Committee notes the various advantages of the proposal that comprehensive periodic reports (but not initial reports) be eliminated in favour of reports dealing with a brief list of issues identified in advance by the Committee. The details of the proposal were explored in the context of the day of general discussion at the sixteenth session.

512. Without prejudice to any final decision that might be taken, the Committee will continue to consider how such an approach might work in practice and to reflect on how it might manage the transition from the existing arrangements to such a system.

C. Specific measures to be adopted in the short term

513. The pre-sessional working group will endeavour to adopt lists of issues containing fewer and more carefully targeted questions. They should reflect the particular concerns relating to the State party in question, as identified by the working group on the basis of detailed analytical reports prepared in advance by the Secretariat.

514. The lists of issues will be divided into two sections: part I, consisting of priority concerns (on average 4-5 issues, with several questions relating to each); and part II, consisting of other matters, to be taken up in the dialogue to the extent that time permits. Written replies will, however, be required for all the questions in both parts. The State party will be requested to provide appropriate appendices in relation to questions in part I, in order to give the Committee an opportunity to go into those matters in greater depth.

515. The Committee will draft a question concerning the domestic application of the Covenant, its dissemination and national-level monitoring, to be used as appropriate in relation to the situation in the State concerned.

516. The Committee will emphasize, in all ways possible, the importance of receiving replies in writing sufficiently in advance of the session and of ensuring that they are translated. For this purpose, a note will be sent by the Committee to its own secretariat and to the Conference Services Division underlining the importance of such translations and requesting that they be foreseen and budgeted for. It will emphasize the waste of time and money involved in the non-availability of written replies.

517. The Committee will make greater use of time limits in order to structure and impose greater discipline on the dialogue, but the actual limits will vary according to the situation and reflect the Committee's perception of the needs in relation to a particular State party.

518. The Chairperson will explain the Committee's preferences (a) in a note to be made available in advance to delegations; and (b) orally at the beginning of each dialogue. Reference will be made to the need to strike an appropriate balance in providing information on both the formal (legal, etc.) situation and the position in practice.

519. The Chairperson and individual members of the Committee will intervene concisely to indicate whenever the dialogue seems to be going off at a tangent, when responses seem to be taking an unduly long time, or when answers lack the necessary focus and precision.

520. Members should make a greater effort in questioning (a) not to raise issues outside the scope of the Covenant; (b) not to repeat questions already posed or answered; (c) not to add unduly to an already long list on a particular issue; and (d) not to speak for more than five minutes in any one intervention.

521. A greater effort will be made by members, in conjunction with the Secretariat, to draft precise, targeted and significant concluding observations.

522. The Committee will endeavour to increase its rate of adoption of general comments. The following priority areas have been identified and the specified individual members asked to take the lead in preparing drafts: domestic application of the Covenant (a draft is already available; Mr. Pillay, Mr. Riedel and Mr. Texier); the right to health (a preliminary draft has been undertaken; Mr. Alston); ensuring gender equity in the implementation of economic, social and cultural rights (Ms. Bonoan-Dandan and Mr. Rattray); the right to food (Mr. Alston); the right to education (Mr. Alston, Mr. Riedel and Mr. Grissa); and cultural rights (Ms. Bonoan-Dandan and Mr. Sadi). A request will be made to explore the possibility of convening an extra working group prior to the Committee's eighteenth session, in April 1998, to undertake an initial review of drafts.

523. The Committee expresses its appreciation to Ms. Jiménez Butragueño and Ms. Bonoan-Dandan for their work on revision of the reporting guidelines and will return to the issue at its eighteenth session.

524. The composition of working groups should be flexible, determined by need rather than strict geographical rotation.

525. The timing of the availability of reports to members of the Committee should be clarified and assignments to working groups should be made for the next three sessions, so that all will know the country rapporteur for each report to be considered. All members are invited to send information and potential questions to the country rapporteurs in advance of the working group sessions.

526. In cases in which a particular member is able to take responsibility as country rapporteur but not to attend the session of the working group, that person will be listed as the associate country rapporteur and will prepare the initial draft of the list of issues as well as being responsible for the preparation of the concluding observations. Responsibility for finalization of the list of issues will be taken by a member of the working group.

Chapter VIII

ADOPTION OF THE REPORT

527. At its 54th meeting on 5 December 1997, the Committee considered its draft report to the Economic and Social Council on the work of its sixteenth and seventeenth sessions (E/C.12/1997/CRP.1 and Add.1 and E/C.12/1997/CRP.2). The Committee adopted the report as amended in the course of the discussion.

Notes

1/ As at 6 February 1998, no action had been taken by the Economic and Social Council on these draft decisions.

2/ At its 26th meeting on 16 May 1997 (E/C.12/1997/SR.26).

3/ See E/1996/22, chap. I, draft resolution (Annual sessions of the Committee on Economic, Social and Cultural Rights).

4/ E/1991/23, annex IV.

5/ See E/1988/14, para. 361.

6/ See E/1994/23, para. 19.

7/ E/1992/23, annex III.

8/ See E/1997/22, paras. 212-242

9/ The Committee had adopted preliminary concluding observations following its consideration of the second periodic report of the Dominican Republic at its fifteenth session in November-December 1996 (ibid.).

10/ E/1991/23, annex III.

11/ E/1995/22, paras. 64-82.

12/ The Committee's day of general discussion at its sixteenth session (12 May 1997) (see E/C.12/1997/SR.18-19) was devoted to the proposed revision of its general guidelines for reporting.

13/ E/1997/22, annex VII.

ANNEXES

Annex I

STATES PARTIES TO THE COVENANT AND STATUS OF SUBMISSION OF REPORTS

(as at 1 February 1998)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
1. Afghanistan	24 April 1983	E/1990/5/Add.8 (E/C.12/1991/SR.2, 4-6 and 8)			Overdue		
2. Albania	4 January 1992	Overdue					
3. Algeria	12 December 1989	E/1990/5/Add.22 (E/C.12/1995/SR.46-48)			Overdue		
4. Angola	10 April 1992	Overdue					
5. Argentina	8 November 1986	E/1990/5/Add.18 (E/C.12/1994/SR.31-32 and 35-37)		E/1988/5/Add.4 E/1988/5/Add.8 (E/C.12/1990/ SR.18-20)	E/1990/6/Add.16 (Pending consideration)		
6. Armenia	13 December 1993	E/1990/5/Add.36 (Pending consideration)					
7. Australia*	10 March 1976	E/1978/8/Add.15 (E/1980/WG.1/ SR.12-13)	E/1980/6/Add.22 (E/1981/WG.1/ SR.18)	E/1982/3/Add.9 (E/1982/WG.1/ SR.13-14)	E/1984/7/Add.22 (E/1985/WG.1/ SR.17-18 and 21)	E/1986/4/Add.7 (E/1986/WG.1/ SR.10-11 and 13-14)	E/1990/7/Add.13 (E/C.12/1993/ SR.13, 15 and 20)
8. Austria***	10 December 1978	E/1984/6/Add.17 (E/C.12/1988/ SR.3-4)	E/1980/6/Add.19 (E/1981/WG.1/ SR.8)	E/1982/3/Add.37 (E/C.12/1988/ SR.3)	E/1990/6/Add.5 (E/C.12/1994/ SR.39-41)	E/1986/4/Add.8 and Corr.1 (E/1986/WG.1/ SR.4 and 7)	E/1990/6/Add.5 (E/C.12/1994/ SR.39-41)
9. Azerbaijan	13 November 1992	E/1990/5/Add.30 (E/C.12/1997/SR.39-41)					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
10. Barbados	3 January 1976	E/1978/8/Add.33 (E/1982/WG.1/ SR.3)	E/1980/6/Add.27 (E/1982/WG.1/ SR.6-7)	E/1982/3/Add.24 (E/1983/WG.1/ SR.14-15)	Overdue		
11. Belarus**	3 January 1976	E/1978/8/Add.19 (E/1980/WG.1/ SR.16)	E/1980/6/Add.18 (E/1981/WG.1/ SR.16)	E/1982/3/Add.3 (E/1982/WG.1/ SR.9-10)	E/1984/7/Add.8 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.19 (E/C.12/1988/ SR.10-12)	E/1990/7/Add.5 (E/C.12/1992/ SR.2-3 and 12)
12. Belgium	21 July 1983	E/1990/5/Add.15 (E/C.12/1994/SR.15-17)			E/1990/6/Add.18 (Pending consideration)		
13. Benin	12 June 1992	Overdue					
14. Bolivia	12 November 1982	Overdue					
15. Bosnia and Herzegovina	6 March 1993	Overdue					
16. Brazil	24 April 1992	Overdue					
17. Bulgaria**	3 January 1976	E/1978/8/Add.24 (E/1980/WG.1/ SR.12)	E/1980/6/Add.29 (E/1982/WG.1/ SR.8)	E/1982/3/Add.23 (E/1983/WG.1/ SR.11-13)	E/1984/7/Add.18 (E/1985/WG.1/ SR.9 and 11)	E/1986/4/Add.20 (E/C.12/1988/ SR.17-19)	
18. Burundi	9 August 1990	Overdue					
19. Cambodia	26 August 1992	Overdue					
20. Cameroon	27 September 1984	E/1990/5/Add.35 (Pending consideration)	E/1986/3/Add.8 (E/C.12/1989/ SR.6-7)	E/1990/5/Add.35 (Pending consideration)			
21. Canada**	19 August 1976	E/1978/8/Add.32 (E/1982/WG.1/ SR.1-2)	E/1980/6/Add.32 (E/1984/WG.1/ SR.4 and 6)	E/1982/3/Add.34 (E/1986/WG.1/ SR.13 and 15-16)	E/1984/7/Add.28 (E/C.12/1989/ SR.8 and 11)	E/1990/6/Add.3 (E/C.12/1993/SR.6-7 and 18)	
22. Cape Verde	6 November 1993	Overdue					
23. Central African Republic	8 August 1981	Overdue					
24. Chad	9 September 1995	Overdue					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
25. Chile*	3 January 1976	E/1978/8/Add.10 and 28 (E/1980/WG.1/ SR.8-9)	E/1980/6/Add.4 (E/1981/WG.1/ SR.7)	E/1982/3/Add.40 (E/C.12/1988/ SR.12-13 and 16)	E/1984/7/Add.1 (E/1984/WG.1/ SR.11-12)	E/1986/4/Add.18 (E/C.12/1988/ SR.12-13 and 16)	Overdue
26. Colombia**	3 January 1976	E/1978/8/Add.17 (E/1980/WG.1/ SR.15)	E/1986/3/Add.3 (E/1986/WG.1/ SR.6 and 9)	E/1982/3/Add.36 (E/1986/WG.1/ SR.15 and 21-22)	E/1984/7/Add.21/ Rev.1 (E/1986/WG.1/ SR.22 and 25)	E/1986/4/Add.25 (E/C.12/1990/ SR.12-14 and 17)	E/1990/7/Add.4 (E/C.12/1991/ SR.17-18 and 25)
27. Congo	5 January 1984	Overdue					
28. Costa Rica	3 January 1976	E/1990/5/Add.3 (E/C.12/1990/SR.38, 40-41 and 43)			Overdue		
29. Côte d'Ivoire	26 June 1992	Overdue					
30. Croatia	8 October 1991	Overdue					
31. Cyprus**	3 January 1976	E/1978/8/Add.21 (E/1980/WG.1/ SR.17)	E/1980/6/Add.3 (E/1981/WG.1/ SR.6)	E/1982/3/Add.19 (E/1983/WG.1/ SR.7-8)	E/1984/7/Add.13 (E/1984/WG.1/ SR.18 and 22)	E/1986/4/Add.2 and 26 (E/C.12/1990/ SR.2-3 and 5)	
32. Czech Republic	1 January 1993	Overdue					
33. Democratic People's Republic of Korea	14 December 1981	E/1984/6/Add.7 (E/C.12/1987/ SR.21-22)	E/1986/3/Add.5 (E/C.12/1987/ SR.21-22)	E/1988/5/Add.6 (E/C.12/1991/ SR.6, 8 and 10)	Overdue		
34. Democratic Republic of the Congo	1 February 1977	E/1984/6/Add.18 (E/C.12/1988/SR.16-19)	E/1986/3/Add.7	E/1982/3/Add.41	Overdue		
35. Denmark**	3 January 1976	E/1978/8/Add.13 (E/1980/WG.1/ SR.10)	E/1980/6/Add.15 (E/1981/WG.1/ SR.12)	E/1982/3/Add.20 (E/1983/WG.1/ SR.8-9)	E/1984/7/Add.11 (E/1984/WG.1/ SR.17 and 21)	E/1986/4/Add.16 (E/C.12/1988/ SR.8-9)	

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
36. Dominica	17 September 1993	Overdue					
37. Dominican Republic	4 April 1978	E/1990/5/Add.4 (E/C.12/1990/SR.43-45 and 47)			E/1990/6/Add.7 (E/C.12/1996/SR.29-30 and E/C.12/1997/SR.29-31)		
38. Ecuador	3 January 1976	E/1978/8/Add.1 (E/1980/WG.1/ SR.4-5)	E/1986/3/Add.14 (E/C.12/1990/SR.37-39 and 42)	E/1988/5/Add.7	E/1984/7/Add.12 (E/1984/WG.1/ SR.20 and 22)	Overdue	
39. Egypt	14 April 1982	E/1990/5/Add.38 (Pending consideration)					
40. El Salvador	29 February 1980	E/1990/5/Add.25 (E/C.12/1996/SR.15-16 and 18)			Overdue		
41. Equatorial Guinea	25 December 1987	Overdue					
42. Estonia	21 January 1992	Overdue					
43. Ethiopia	11 September 1993	Overdue					
44. Finland**	3 January 1976	E/1978/8/Add.14 (E/1980/WG.1/ SR.6)	E/1980/6/Add.11 (E/1981/WG.1/ SR.10)	E/1982/3/Add.28 (E/1984/WG.1/ SR.7-8)	E/1984/7/Add.14 (E/1984/WG.1/ SR.17-18)	E/1986/4/Add.4 (E/1986/WG.1/ SR.8-9 and 11)	E/1990/7/Add.1 (E/C.12/1991/ SR.11-12 and 16)
45. France	4 February 1981	E/1984/6/Add.11 (E/1986/WG.1/ SR.18-19 and 21)	E/1986/3/Add.10 (E/C.12/1989/ SR.12-13)	E/1982/3/Add.30 and Corr.1 (E/1985/WG.1/ SR.5 and 7)	Overdue		
46. Gabon	21 April 1983	Overdue					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
47. Gambia	29 March 1979	Overdue					
48. Georgia	3 August 1994	E/1990/5/Add.37 (Pending consideration)					
49. Germany**	3 January 1976	E/1978/8/Add.8 and Corr.1 (E/1980/WG.1/ SR.8) E/1978/8/Add.11 (E/1980/WG.1/ SR.10)	E/1980/6/Add.6 (E/1981/WG.1/ SR.8) E/1980/6/Add.10 (E/1981/WG.1/ SR.10)	E/1982/3/Add.15 and Corr.1 (E/1983/WG.1/ SR.5-6) E/1982/3/Add.14 (E/1982/WG.1/ SR.17-18)	E/1984/7/Add.3 and 23 (E/1985/WG.1/ SR.12 and 16) E/1984/7/Add.24 and Corr.1 (E/1986/WG.1/ SR.22-23 and 25)	E/1986/4/Add.11 (E/C.12/1987/ SR.11-12 and 14) E/1986/4/Add.10 (E/C.12/1987/ SR.19-20)	E/1990/7/Add.12 (E/C.12/1993/ SR.35-36 and 46)
50. Greece	16 August 1985	Overdue					
51. Grenada	6 December 1991	Overdue					
52. Guatemala	19 August 1988	E/1990/5/Add.24 (E/C.12/1996/SR.11-14)			Overdue		
53. Guinea	24 April 1978	Overdue					
54. Guinea-Bissau	2 October 1992	Overdue					
55. Guyana	15 May 1977	E/1990/5/Add.27 (Pending consideration)		E/1982/3/Add.5, 29 and 32 (E/1984/WG.1/ SR.20 and 22 and E/1985/WG.1/ SR.6)			
56. Honduras	17 May 1981	Overdue					
57. Hungary*	3 January 1976	E/1978/8/Add.7 (E/1980/WG.1/ SR.7)	E/1980/6/Add.37 (E/1986/WG.1/ SR.6-7 and 9)	E/1982/3/Add.10 (E/1982/WG.1/ SR.14)	E/1984/7/Add.15 (E/1984/WG.1/ SR.19 and 21)	E/1986/4/Add.1 (E/1986/WG.1/ SR.6-7 and 9)	E/1990/7/Add.10 (E/C.12/1992/ SR.9, 12 and 21)

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
58. Iceland	22 November 1979	E/1990/5/Add.6 and 14 (E/C.12/1993/SR.29-31 and 46)			E/1990/6/Add.15 (Pending consideration)		
59. India	10 July 1979	E/1984/6/Add.13 (E/1986/WG.1/ SR.20 and 24)	E/1980/6/Add.34 (E/1984/WG.1/ SR.6 and 8)	E/1988/5/Add.5 (E/C.12/1990/ SR.16-17 and 19)	Overdue		
60. Iran (Islamic Republic of)	3 January 1976	E/1990/5/Add.9 (E/C.12/1993/SR.7-9 and 20)		E/1982/3/Add.43 (E/C.12/1990/ SR.42-43 and 45)	Overdue		
61. Iraq**	3 January 1976	E/1984/6/Add.3 and 8 (E/1985/WG.1/ SR.8 and 11)	E/1980/6/Add.14 (E/1981/WG.1/ SR.12)	E/1982/3/Add.26 (E/1985/WG.1/ SR.3-4)		E/1986/4/Add.3 (E/1986/WG.1/ SR.8 and 11)	E/1990/7/Add.15 (E/C.12/1994/ SR.11 and 14)
62. Ireland	8 March 1990	E/1990/5/Add.34 (Pending consideration)					
63. Israel	3 January 1992	E/1990/5/Add.39 (Pending consideration)					
64. Italy**	15 December 1978	E/1978/8/Add.34 (E/1982/WG.1/ SR.3-4)	E/1980/6/Add.31 and 36 (E/1984/WG.1/ SR.3 and 5)		E/1990/6/Add.2 (E/C.12/1992/SR.13-14 and 21)		
65. Jamaica	3 January 1976	E/1978/8/Add.27 (E/1980/WG.1/ SR.20)	E/1986/3/Add.12 (E/C.12/1990/ SR.10-12 and 15)	E/1988/5/Add.3 (E/C.12/1990/ SR.10-12 and 15)	E/1984/7/Add.30 (E/C.12/1990/ SR.10-12 and 15)	Overdue	

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
66. Japan	21 September 1979	E/1984/6/Add.6 and Corr.1 (E/1984/WG.1/ SR.9-10)	E/1986/3/Add.4 and Corr.1 (E/1986/WG.1/ SR.20-21 and 23)	E/1982/3/Add.7 (E/1982/WG.1/ SR.12-13)	Overdue		
67. Jordan	3 January 1976	E/1984/6/Add.15 (E/C.12/1987/ SR.6-8)	E/1986/3/Add.6 (E/C.12/1987/ SR.8)	E/1982/3/Add.38/ Rev.1 (E/C.12/1990/ SR.30-32)	E/1990/6/Add.17 (Pending consideration)		
68. Kenya	3 January 1976	E/1990/5/Add.17					
69. Kuwait	31 August 1996	Due on 30 June 1998					
70. Kyrgyzstan	7 January 1995	Overdue					
71. Latvia	14 July 1992	Overdue					
72. Lebanon	3 January 1976	E/1990/5/Add.16 (E/C.12/1993/SR.14, 16 and 21)			Overdue		
73. Lesotho	9 December 1992	Overdue					
74. Libyan Arab Jamahiriya	3 January 1976	E/1990/5/Add.26 (E/C.12/1997/SR.20-21)		E/1982/3/Add.6 and 25 (E/1983/WG.1/ SR.16-17)			
75. Lithuania	20 February 1992	Overdue					
76. Luxembourg	18 November 1983	E/1990/5/Add.1 (E/C.12/1990/SR.33-36)			E/1990/6/Add.9 (E/C.12/1997/SR.48-49)		

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
77. Madagascar	3 January 1976	E/1978/8/Add.29 (E/1981/WG.1/ SR.2)	E/1980/6/Add.39 (E/1986/WG.1/ SR.2-3 and 5)	Overdue	E/1984/7/Add.19 (E/1985/WG.1/ SR.14 and 18)	Overdue	Overdue
78. Malawi	22 March 1994	Overdue					
79. Mali	3 January 1976	Overdue					
80. Malta	13 December 1990	Overdue					
81. Mauritius	3 January 1976	E/1990/5/Add.21 (E/C.12/1995/SR.40-41 and 43)			Overdue		
82. Mexico**	23 June 1981	E/1984/6/Add.2 and 10 (E/1986/WG.1/ SR.24, 26 and 28)	E/1986/3/Add.13 (E/C.12/1990/ SR.6, 7 and 9)	E/1982/3/Add.8 (E/1982/WG.1/ SR.14-15)	E/1990/6/Add.4 (E/C.12/1993/SR.32-35 and 49)		
83. Monaco	28 November 1997	Due on 30 June 1999					
84. Mongolia*	3 January 1976	E/1978/8/Add.6 (E/1980/WG.1/ SR.7)	E/1980/6/Add.7 (E/1981/WG.1/ SR.8-9)	E/1982/3/Add.11 (E/1982/WG.1/ SR.15-16)	E/1984/7/Add.6 (E/1984/WG.1/ SR.16 and 18)	E/1986/4/Add.9 (E/C.12/1988/ SR.5 and 7)	Overdue
85. Morocco	3 August 1979	E/1990/5/Add.13 (E/C.12/1994/SR.8-10)			Overdue		
86. Namibia	28 February 1995	Overdue					
87. Nepal	14 August 1991	Overdue					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
88. Netherlands***	11 March 1979	E/1984/6/Add.14 and 20 (E/C.12/1987/ SR.5-6 and E/C.12/1989/ SR.14-15)	E/1980/6/Add.33 (E/1984/WG.1/ SR.4-6 and 8)	E/1982/3/Add.35 and 44 (E/1986/WG.1/ SR.14 and 18 and E/C.12/1989/ SR.14-15)	E/1990/6/Add.11 E/1990/6/Add.12 (Pending consideration)	E/1986/4/Add.24 (E/C.12/1989/ SR.14-15)	E/1990/6/Add.13 (Pending consideration)
89. New Zealand	28 March 1979	E/1990/5/Add.5, 11 and 12 (E/C.12/1993/SR.24-26 and 40)			Overdue		
90. Nicaragua	12 June 1980	E/1984/6/Add.9 (E/1986/WG.1/ SR.16-17 and 19)	E/1986/3/Add.15 (E/C.12/1993/ SR.27-28 and 46)	E/1982/3/Add.31 and Corr.1 (E/1985/WG.1/ SR.15)	Overdue		
91. Niger	7 June 1986	Overdue					
92. Nigeria	29 October 1993	E/1990/5/Add.31 (Pending consideration)					
93. Norway**	3 January 1976	E/1978/8/Add.12 (E/1980/WG.1/ SR.5)	E/1980/6/Add.5 (E/1981/WG.1/ SR.14)	E/1982/3/Add.12 (E/1982/WG.1/ SR.16)	E/1984/7/Add.16 (E/1984/WG.1/ SR.19 and 22)	E/1986/4/Add.21 (E/C.12/1988/ SR.14-15)	E/1990/7/Add.7 (E/C.12/1992/ SR.4, 5 and 12)
94. Panama	8 June 1977	E/1984/6/Add.19 (E/C.12/1991/ SR.3, 5 and 8)	E/1980/6/Add.20 and 23 (E/1982/WG.1/ SR.5)	E/1988/5/Add.9 (E/C.12/1991/ SR.3, 5 and 8)	Overdue	E/1986/4/Add.22 (E/C.12/1991/ SR.3, 5 and 8)	Overdue
95. Paraguay	10 September 1992	E/1990/5/Add.23 (E/C.12/1996/SR.1- 2 and 4)					
96. Peru	28 July 1978	E/1984/6/Add.5 (E/1984/WG.1/ SR.11 and 18)	E/1990/5/Add.29 (E/C.12/1997/SR.14-17)				

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
97. Philippines	3 January 1976	E/1978/8/Add.4 (E/1980/WG.1/ SR.11)	E/1986/3/Add.17 (E/C.12/1995/ SR.11-12 and 14)	E/1988/5/Add.2 (E/C.12/1990/ SR.8-9 and 11)	E/1984/7/Add.4 (E/1984/WG.1/ SR.15 and 20)	Overdue	
98. Poland**	18 June 1977	E/1978/8/Add.23 (E/1980/WG.1/ SR.18-19)	E/1980/6/Add.12 (E/1981/WG.1/ SR.11)	E/1982/3/Add.21 (E/1983/WG.1/ SR.9-10)	E/1984/7/Add.26 and 27 (E/1986/WG.1/ SR.25-27)	E/1986/4/Add.12 (E/C.12/1989/ SR.5-6)	E/1990/7/Add.9 (E/C.12/1992/ SR.6-7 and 15)
99. Portugal**	31 October 1978		E/1980/6/Add.35/ Rev.1 (E/1985/WG.1/ SR.2 and 4)	E/1982/3/Add.27/ Rev.1 (E/1985/WG.1/ SR.6 and 9)	E/1990/6/Add.6 (E/C.12/1995/SR.7-8 and 10) E/1990/6/Add.8 (Macau) (E/C.12/1996/SR.31-33)		
100. Republic of Korea	10 July 1990	E/1990/5/Add.19 (E/C.12/1995/SR.3-4 and 6)			Overdue		
101. Republic of Moldova	26 March 1993	Overdue					
102. Romania*	3 January 1976	E/1978/8/Add.20 (E/1980/WG.1/ SR.16-17)	E/1980/6/Add.1 (E/1981/WG.1/ SR.5)	E/1982/3/Add.13 (E/1982/WG.1/ SR.17-18)	E/1984/7/Add.17 (E/1985/WG.1/ SR.10 and 13)	E/1986/4/Add.17 (E/C.12/1988/ SR.6)	E/1990/7/Add.14 (E/C.12/1994/ SR.5, 7 and 13)
103. Russian Federation**	3 January 1976	E/1978/8/Add.16 (E/1980/WG.1/ SR.14)	E/1980/6/Add.17 (E/1981/WG.1/ SR.14-15)	E/1982/3/Add.1 (E/1982/WG.1/ SR.11-12)	E/1984/7/Add.7 (E/1984/WG.1/ SR.9-10)	E/1986/4/Add.14 (E/C.12/1987/ SR.16-18)	E/1990/7/Add.8 (withdrawn)
104. Rwanda	3 January 1976	E/1984/6/Add.4 (E/1984/WG.1/ SR.10 and 12)	E/1986/3/Add.1 (E/1986/WG.1/ SR.16 and 19)	E/1982/3/Add.42 (E/C.12/1989/ SR.10-12)	E/1984/7/Add.29 (E/C.12/1989/ SR.10-12)	Overdue	Overdue
105. Saint Vincent and the Grenadines	9 February 1982	Overdue					
106. San Marino	18 January 1986	Overdue					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
107. **Senegal**	13 May 1978	E/1984/6/Add.22 (E/C.12/1993/ SR.37-38 and 49)	E/1980/6/Add.13/ Rev.1 (E/1981/WG.1/ SR.11)	E/1982/3/Add.17 (E/1983/WG.1/ SR.14-16)	Overdue		
108. Seychelles	5 August 1992	Overdue					
109. Sierra Leone	23 November 1996	Due on 30 June 1998					
110. Slovakia	28 May 1993	Overdue					
111. Slovenia	6 July 1992	Overdue					
112. Solomon Islands	17 March 1982	Overdue					
113. Somalia	24 April 1990	Overdue					
114. Spain**	27 July 1977	E/1978/8/Add.26 (E/1980/WG.1/ SR.20)	E/1980/6/Add.28 (E/1982/WG.1/ SR.7)	E/1982/3/Add.22 (E/1983/WG.1/ SR.10-11)	E/1984/7/Add.2 (E/1984/WG.1/ SR.12 and 14)	E/1986/4/Add.6 (E/1986/WG.1/ SR.10 and 13)	E/1990/7/Add.3 (E/C.12/1991/ SR.13, 14, 16 and 22)
115. Sri Lanka	11 September 1980	E/1990/5/Add.32 (Pending consideration)					
116. Sudan	18 June 1986	Overdue					
117. Suriname	28 March 1977	E/1990/5/Add.20 (E/C.12/1995/SR.13 and 15-16)			Overdue		
118. Sweden**	3 January 1976	E/1978/8/Add.5 (E/1980/WG.1/ SR.15)	E/1980/6/Add.8 (E/1981/WG.1/ SR.9)	E/1982/3/Add.2 (E/1982/WG.1/ SR.19-20)	E/1984/7/Add.5 (E/1984/WG.1/ SR.14 and 16)	E/1986/4/Add.13 (E/C.12/1988/ SR.10-11)	E/1990/7/Add.2 (E/C.12/1991/ SR.11-13 and 18)
119. Switzerland	18 September 1992	E/1990/5/Add.33 (Pending consideration)					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
120. Syrian Arab Republic*	3 January 1976	E/1978/8/Add.25 and 31 (E/1983/WG.1/ SR.2)	E/1980/6/Add.9 (E/1981/WG.1/ SR.4)		E/1990/6/Add.1 (E/C.12/1991/SR.7, 9 and 11)		
121. The former Yugoslav Republic of Macedonia	17 September 1991	Overdue					
122. Togo	24 August 1984	Overdue					
123. Trinidad and Tobago	8 March 1979	E/1984/6/Add.21	E/1986/3/Add.11	E/1988/5/Add.1	Overdue		
		(E/C.12/1989/SR.17-19)					
124. Tunisia	3 January 1976	E/1978/8/Add.3 (E/1980/WG.1/ SR.5-6)	E/1986/3/Add.9 (E/C.12/1989/ SR.9)		E/1990/6/Add.14 (Pending consideration)		
125. Turkmenistan	1 August 1997	Due on 30 June 1999					
126. Uganda	21 April 1987	Overdue					
127. Ukraine**	3 January 1976	E/1978/8/Add.22 (E/1980/WG.1/ SR.18)	E/1980/6/Add.24 (E/1982/WG.1/ SR.5-6)	E/1982/3/Add.4 (E/1982/WG.1/ SR.11-12)	E/1984/7/Add.9 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.5 (E/C.12/1987/ SR.9-11)	E/1990/7/Add.11 (withdrawn)
128. United Kingdom of Great Britain and Northern Ireland**	20 August 1976	E/1978/8/Add.9 and 30 (E/1980/WG.1/ SR.19 and E/1982/WG.1/ SR.1)	E/1980/6/Add.16 and Corr.1, Add.25 and Corr.1 and Add.26 (E/1981/WG.1/ SR.16-17)	E/1982/3/Add.16 (E/1982/WG.1/ SR.19-21)	E/1984/7/Add.20 (E/1985/WG.1/ SR.14 and 17)	E/1986/4/Add.23 (E/C.12/1989/ SR.16-17) E/1986/4/Add.27 and 28 (E/C.12/1994/ SR.33-34 and 36-37)	E/1990/7/Add.16 (E/C.12/1994/ SR.33-34 and 36-37)

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
129. United Republic of Tanzania	11 September 1976	Overdue	E/1980/6/Add.2 (E/1981/WG.1/ SR.5)	Overdue			
130. Uruguay	3 January 1976	E/1990/5/Add.7 (E/C.12/1994/SR.3-4, 6 and 13)			E/1990/6/Add.10 (E/C.12/1997/SR.42-44)		
131. Uzbekistan	28 December 1995	Overdue					
132. Venezuela	10 August 1978	E/1984/6/Add.1 (E/1984/WG.1/ SR.7-8 and 10)	E/1980/6/Add.38 (E/1986/WG.1/ SR.2 and 5)	E/1982/3/Add.33 (E/1986/WG.1/ SR.12 and 17-18)	Overdue		
133. Viet Nam	24 December 1982	E/1990/5/Add.10 (E/C.12/1993/SR.9-11 and 19)			Overdue		
134. Yemen	9 May 1987	Overdue					
135. Yugoslavia	3 January 1976	E/1978/8/Add.35 (E/1982/WG.1/ SR.4-5)	E/1980/6/Add.30 (E/1983/WG.1/ SR.3)	E/1982/3/Add.39 (E/C.12/1988/ SR.14-15)	E/1984/7/Add.10 (E/1984/WG.1/ SR.16 and 18)	Overdue	Overdue
136. Zambia	10 July 1984	Overdue	E/1986/3/Add.2 (E/1986/WG.1/ SR.4-5 and 7)	Overdue			
137. Zimbabwe	13 August 1991	E/1990/5/Add.28 (E/C.12/1997/SR.8-10 and 14/Add.1)					

Annex I (continued)

* Third periodic report, which was due on 30 June 1994, has not yet been received.

** Third periodic report of Sweden (E/1994/104/Add.1) was considered at the twelfth session (E/C.12/1995/SR.13/Add.1, 15/Add.1 and 16); third periodic report of Colombia (E/1994/104/Add.2) was considered at the thirteenth session (E/C.12/1995/SR.32-33 and 35); third periodic report of Norway (E/1994/104/Add.3) was considered at the thirteenth session (E/C.12/1995/SR.34 and 36-37); third periodic report of Ukraine (E/1994/104/Add.4) was considered at the thirteenth session (E/C.12/1995/SR.42 and 44-45); third periodic report of Spain (E/1994/104/Add.5) was considered at the fourteenth session (E/C.12/1996/SR.3 and 5-7); third periodic report of Belarus (E/1994/104/Add.6) was considered at the fifteenth session (E/C.12/1996/SR.34-36); third periodic report of Finland (E/1994/104/Add.7) was considered at the fifteenth session (E/C.12/1996/SR.37-38 and 40); third periodic report of the Russian Federation (E/1994/104/Add.8) was considered at the sixteenth session (E/C.12/1997/SR.11-14); third periodic report of Iraq (E/1994/104/Add.9) was considered at the seventeenth session (E/C.12/1997/SR.33-35); third periodic report of the United Kingdom of Great Britain and Northern Ireland (Hong Kong) (E/1994/104/Add.10) was considered at the fifteenth session (E/C.12/1996/SR.39, 41-42 and 44); third periodic report of the United Kingdom of Great Britain and Northern Ireland (E/1994/104/Add.11) was considered at the seventeenth session (E/C.12/1997/SR.36-38); third periodic report of Cyprus was received on 30 April 1996 (E/1994/104/Add.12); third periodic report of Poland was received on 7 June 1996 (E/1994/104/Add.13); third periodic report of Germany was received on 3 July 1996 (E/1994/104/Add.14); third periodic report of Denmark was received on 12 August 1996 (E/1994/104/Add.15); third periodic report of Bulgaria was received on 19 September 1996 (E/1994/104/Add.16); third periodic report of Canada was received on 20 May 1997 (E/1994/104/Add.17); third periodic report of Mexico was received on 18 July 1997 (E/1994/104/Add.18); third periodic report of Italy was received on 20 October 1997 (E/1994/104/Add.19); third periodic report of Portugal was received on 28 November 1997 (E/1994/104/Add.20).

*** Third periodic report, which was due on 30 June 1997, has not yet been received.

Annex II

MEMBERSHIP OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Name of member	Country of nationality	Term expires on 31 December
Mr. Ade ADEKUOYE	Nigeria	1998
Mr. Mahmoud Samir AHMED	Egypt	1998
Mr. Philip ALSTON	Australia	1998
Mr. Ivan ANTANOVICH	Belarus	2000
Ms. Virginia BONOAN-DANDAN	Philippines	1998
Mr. Dumitru CEAUSU	Romania	2000
Mr. Oscar CEVILLE	Panama	2000
Mr. Abdessatar GRISSA	Tunisia	2000
Ms. María de los Angeles JIMENEZ BUTRAGUEÑO	Spain	2000
Mr. Valeri KOUZNETSOV	Russian Federation	1998
Mr. Jaime MARCHAN ROMERO	Ecuador	1998
Mr. Ariranga Govindasamy PILLAY	Mauritius	2000
Mr. Kenneth Osborne RATTRAY	Jamaica	2000
Mr. Eibe RIEDEL	Germany	1998
Mr. Waleed M. SADI	Jordan	2000
Mr. Philippe TEXIER	France	2000
Mr. Nutan THAPALIA	Nepal	1998
Mr. Javier WIMER ZAMBRANO	Mexico	1998

Annex III

A. AGENDA OF THE SIXTEENTH SESSION OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (28 April-16 May 1997)

1. Opening of the session.

2. Election of officers.

3. Adoption of the agenda.

4. Organization of work.

5. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.

6. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

7. Consideration of reports:

   (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

   (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

8. General discussion: "The revision of the Committee's revised guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the Covenant".

9. Relations with United Nations organs and other treaty bodies.

10. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

B. AGENDA OF THE SEVENTEENTH SESSION OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (17 November-5 December 1997)

1. Adoption of the agenda.

2. Organization of work.

3. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.

4. Follow-up to the consideration of reports under articles 16 and 17 of the Covenant.

5. Relations with United Nations organs and other treaty bodies.

6. Consideration of reports:

    (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

    (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

7. General discussion: "The normative content of the right to food (article 11 of the International Covenant on Economic, Social and Cultural Rights)".

8. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

9. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

10. Report of the Committee to the Economic and Social Council.

Annex IV

GENERAL COMMENT NO. 7 (1997)*

The right to adequate housing (article 11, paragraph 1, of the Covenant: forced evictions

1. In its General Comment No. 4 (1991) on the right to adequate housing, [a] the Committee observed that all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats (para. 8 (a)). It concluded that forced evictions are *prima facie* incompatible with the requirements of the Covenant (para. 18). Having considered a significant number of reports of forced evictions in recent years, including instances in which it determined that the obligations of States parties were being violated, the Committee is now in a position to seek to provide further clarification as to the implications of such practices in terms of the obligations contained in the Covenant.

2. The international community has long recognized that the issue of forced evictions is a serious one. In 1976, the United Nations Conference on Human Settlements noted that special attention should be paid to "undertaking major clearance operations only when conservation and rehabilitation are not feasible and relocation measures are made". [b] In 1988, in the Global Strategy for Shelter to the Year 2000, adopted by the General Assembly in its resolution 43/181, the "fundamental obligation [of Governments] to protect and improve houses and neighbourhoods, rather than damage or destroy them" was recognized. [c] Agenda 21 stated that "people should be protected by law against unfair eviction from their homes or land". [d] In the Habitat Agenda, Governments committed themselves to "protecting all people from and providing legal protection and redress for forced evictions that are contrary to the law, taking human rights into consideration; [and] when evictions are unavoidable, ensuring, as appropriate, that alternative suitable solutions are provided". [e] The Commission on Human Rights has also indicated that "forced eviction constitutes a gross violation of human rights". [f] However, although these statements are important, they leave open one of the most critical issues, namely that of determining the circumstances under which forced evictions are permissible and of spelling out the types of protection required to ensure respect for the relevant provisions of the Covenant.

3. The use of the term "forced evictions" is, in some respects, problematic. The term seeks to convey a sense of arbitrariness and of illegality. To many observers, however, the reference to "forced evictions" is a tautology, while others have criticized the expression "illegal evictions" on the grounds that it assumes that the relevant law provides adequate protection of the right to housing and conforms with the Covenant,

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* Adopted at the sixteenth session (22nd meeting), on 14 May 1997.

which is by no means always the case. Similarly, it has been suggested that the term "unfair evictions" is even more subjective by virtue of its failure to refer to any legal framework at all. The international community, especially in the context of the Commission on Human Rights, has opted to refer to "forced evictions", primarily since all suggested alternatives also suffer from many such defects.

4. The term "forced evictions" as used throughout this General Comment is defined as the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection. The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights.

5. The practice of forced evictions is widespread and affects people in both developed and developing countries. Owing to the interrelationship and interdependence which exist among all human rights, forced evictions frequently violate other human rights. Thus, while manifestly breaching the rights enshrined in the International Covenant on Economic, Social and Cultural Rights, the practice of forced evictions may also result in violations of civil and political rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions.

6. Although the practice of forced evictions might appear to occur primarily in heavily populated urban areas, it also takes place in connection with forced population transfers, internal displacement, forced relocations in the context of armed conflict, mass exoduses and refugee movements. In all these contexts, the right to adequate housing and not to be subjected to forced eviction may be violated through a wide range of acts or omissions attributable to States parties. Even in situations where it may be necessary to impose limitations on such a right, full compliance with article 4 of the Covenant is required so that any limitations imposed must be "determined by law only insofar as this may be compatible with the nature of these [i.e. economic, social and cultural] rights and solely for the purpose of promoting the general welfare in a democratic society".

7. Many instances of forced eviction are associated with violence, such as evictions resulting from international armed conflicts, internal strife and communal or ethnic violence.

8. Other instances of forced eviction occur in the name of development. Evictions may be carried out in connection with conflict over land rights, development and infrastructure projects, such as the construction of dams or other large-scale energy projects, with land-acquisition measures associated with urban renewal, housing renovation, city beautification programmes, the clearing of land for agricultural purposes, unbridled speculation in land, or the holding of major sporting events like the Olympic Games.

9. In essence, the obligations of States parties to the Covenant in relation to forced evictions are based on article 11, paragraph 1, read in

conjunction with other relevant provisions. In particular, article 2, paragraph 1, obliges States to use "all appropriate means" to protect the right to adequate housing. However, in view of the nature of the practice of forced evictions, the reference in article 2, paragraph 1, to progressive achievement based on the availability of resources will rarely be relevant. The State itself must refrain from forced evictions and ensure that the law is enforced against its agents or third parties who carry out forced evictions (as defined in para. 4 above). Moreover, this approach is reinforced by article 17, paragraph 1, of the International Covenant on Civil and Political Rights, which complements the right not to be forcefully evicted without adequate protection. That provision recognizes, inter alia, the right to be protected against "arbitrary or unlawful interference" with one's home. It is to be noted that the State's obligation to ensure respect for that right is not qualified by considerations relating to its available resources.

10. Article 2, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights requires States parties to use "all appropriate means", including the adoption of legislative measures, to protect all the rights recognized in the Covenant. Although the Committee has indicated in its General Comment No. 3 (1990) on the nature of States parties' obligations g/ that such measures may not be indispensable in relation to all rights, it is clear that legislation against forced evictions is an essential basis on which to build a system of effective protection. Such legislation should include measures which (a) provide the greatest possible security of tenure to occupiers of houses and land; (b) conform with the Covenant; and (c) are designed to control strictly the circumstances under which evictions may be carried out. The legislation must also apply to all agents acting under the authority of the State or who are accountable to it. Moreover, in view of the increasing trend in some States towards the Government greatly reducing its responsibilities in the housing sector, States parties must ensure that legislative and other measures are adequate to prevent and, if appropriate, punish forced evictions carried out, without appropriate safeguards, by private persons or bodies. States parties should therefore review relevant legislation and policies to ensure that they are compatible with the obligations arising from the right to adequate housing and repeal or amend any legislation or policies that are inconsistent with the requirements of the Covenant.

11. Women, children, youth, older persons, indigenous people, ethnic and other minorities, and other vulnerable individuals and groups all suffer disproportionately from the practice of forced evictions. Women in all groups are especially vulnerable given the extent of statutory and other forms of discrimination which often apply in relation to property rights (including home ownership) or rights of access to property or accommodation, and their particular vulnerability to acts of violence and sexual abuse when they are rendered homeless. The non-discrimination provisions of articles 2, paragraph 2 and 3 of the Covenant impose an additional obligation on Governments to ensure that, where evictions do occur, appropriate measures are taken to ensure that no form of discrimination is involved.

12. Whereas some evictions may be justifiable, such as in the case of persistent non-payment of rent or of damage to rented property without any reasonable cause, it is incumbent on the relevant authorities to ensure that

they are carried out in a manner warranted by a law which is compatible with the Covenant and that all legal recourses and remedies are available to those affected.

13. Forced eviction and house demolition as punitive measures are also inconsistent with the norms of the Covenant. Likewise, the Committee takes note of the obligations enshrined in the Geneva Conventions of 1949 for the protection of war victims h/ and the Additional Protocols thereto of 1977 i/ concerning prohibitions on the displacement of the civilian population and the destruction of private property as these relate to the practice of forced evictions.

14. States parties must ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force. Legal remedies or procedures should be provided to those who are affected by eviction orders. States parties must also see to it that all the individuals concerned have a right to adequate compensation for any property, both personal and real, which is affected. In this respect, it is pertinent to recall article 2, paragraph 3, of the International Covenant on Civil and Political Rights, which requires States parties to ensure "an effective remedy" for persons whose rights have been violated (subpara. (a)) and to ensure that "the competent authorities shall enforce such remedies when granted" (subpara. (c)).

15. In cases where eviction is considered to be justified, it should be carried out in strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality. In this regard, it is especially pertinent to recall General Comment 16 of the Human Rights Committee, j/ relating to article 17 of the International Covenant on Civil and Political Rights, which states that interference with a person's home may take place only "in cases envisaged by the law" (para. 3). The General Comment adds that the law "should be in accordance with the provisions, aims and objectives of the Covenant and should be, in any event, reasonable in the particular circumstances" (para. 4). It also states that "relevant legislation must specify in detail the precise circumstances in which such interferences may be permitted (para. 8).

16. Appropriate procedural protection and due process are essential aspects of all human rights but are especially pertinent in relation to a matter such as forced evictions, which directly invokes a large number of the rights recognized in both the International Covenants on Human Rights. The Committee on Economic, Social and Cultural Rights considers that the procedural protections which should be applied in relation to forced evictions include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad

weather or at night unless the affected persons consent; (g) provision of legal remedies; (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

17. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.

18. The Committee is aware that various development projects financed by international agencies within the territories of States parties have resulted in forced evictions. In this regard, the Committee recalls its General Comment No. 2 (1990) on international technical assistance measures, which states, inter alia, that "international agencies should scrupulously avoid involvement in projects which, for example ... promote or reinforce discrimination against individuals or groups contrary to the provisions of the Covenant, or involve large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation. ... Every effort should be made, at each phase of a development project, to ensure that the rights contained in the Covenant are duly taken into account." k/

19. Some institutions, such as the World Bank and OECD, have adopted guidelines on relocation and/or resettlement with a view to limiting the scale of and human suffering associated with forced evictions. Such practices often accompany large-scale development projects, such as dam-building and other major energy projects. Full respect for such guidelines, insofar as they reflect the obligations contained in the Covenant, is essential on the part of both the agencies themselves and States parties to the Covenant. The Committee recalls in this respect the statement in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in 1993, l/ that "while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights" (Part I, para. 10).

20. In the Committee's revised guidelines regarding the form and contents of reports, m/ States parties are requested to provide various types of information pertaining directly to the practice of forced evictions. This includes information relating to (a) "the number of persons evicted within the last five years and the number of persons currently lacking legal protection against arbitrary eviction or any other kind of eviction"; (b) "legislation concerning the rights of tenants to security of tenure, to protection from eviction"; and (c) "legislation prohibiting any form of eviction".

21. Information is also sought as to "measures taken during, inter alia, urban renewal programmes, redevelopment projects, site upgrading, preparation for international events (Olympics, expositions, conferences, etc.), 'beautiful city campaigns', etc. which guarantee protection from eviction or guarantee rehousing based on mutual agreement, [for] any persons living on or near to affected sites". However, few States parties have included the requisite information in their reports to the Committee. The Committee therefore wishes to emphasize the importance it attaches to the receipt of such information.

22. Some States parties have indicated that information of this nature is not available. The Committee recalls that effective monitoring of the right to adequate housing, either by the Government concerned or by the Committee, is not possible in the absence of the collection of appropriate data, and would request all States parties to ensure that the necessary data is collected and is reflected in the reports submitted by them under the Covenant.

Notes

a/ E/1992/23, annex III.

b/ Report of Habitat: United Nations Conference on Human Settlements, Vancouver, 31 May-11 June 1976 (United Nations publication, Sales No. E.76.IV.7 and corrigendum), chap. II, recommendation B.8, para. (c) (ii).

c/ Official Records of the General Assembly, Forty-third Session, Supplement No. 8, addendum (A/43/8/Add.1), para. 13 in fine.

d/ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (A/CONF.151/26/Rev.1 (Vol. I and Vol. I/Corr.1, Vol. II, Vol. III and Vol. III/Corr.1)) (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions Adopted by the Conference, resolution 1, annex II, para. 7.9 (b).

e/ Report of the United Nations Conference on Human Settlements (Habitat II) (Istanbul, 3-14 June 1996) (A/CONF.165/14), chap. I, resolution 1, annex II, para. 40 (n).

f/ Commission on Human Rights resolution 1993/77 of 10 March 1993, para. 1.

g/ E/1991/23, annex III.

h/ United Nations, Treaty Series, vol. 75.

i/ Ibid., vol. 1125, pp. 3 and 609.

j/ Adopted at its thirty-second session, in 1988 (Official Records of the General Assembly, Forty-third Session, Supplement No. 40 (A/43/40)), annex VI.

k/ E/1990/23, annex III, paras. 6 and 8 (d).

l/ A/CONF.157/24 (Part I), chap. III.

m/ E/1991/23, annex IV (section relating to article 11 of the Covenant).

Annex V

GENERAL COMMENT NO. 8 (1997)*

The relationship between economic sanctions and respect for economic, social and cultural rights

1. Economic sanctions are being imposed with increasing frequency, internationally, regionally and unilaterally. The purpose of this General Comment is to emphasize that, whatever the circumstances, such sanctions should always take full account of the provisions of the International Covenant on Economic, Social and Cultural Rights. The Committee does not in any way call into question the necessity for the imposition of sanctions in appropriate cases in accordance with Chapter VII of the Charter of the United Nations or other applicable international law. But those provisions of the Charter that relate to human rights (Articles 1, 55 and 56) must still be considered to be fully applicable in such cases.

2. During the 1990s the Security Council has imposed sanctions of varying kind and duration in relation to South Africa, Iraq/Kuwait, parts of the former Yugoslavia, Somalia, the Libyan Arab Jamahiriya, Liberia, Haiti, Angola, Rwanda and the Sudan. The impact of sanctions on the enjoyment of economic, social and cultural rights has been brought to the Committee's attention in a number of cases involving States parties to the Covenant, some of which have reported regularly, thereby giving the Committee the opportunity to examine the situation carefully.

3. While the impact of sanctions varies from one case to another, the Committee is aware that they almost always have a dramatic impact on the rights recognized in the Covenant. Thus, for example, they often cause significant disruption in the distribution of food, pharmaceuticals and sanitation supplies, jeopardize the quality of food and the availability of clean drinking water, severely interfere with the functioning of basic health and education systems, and undermine the right to work. In addition, their unintended consequences can include reinforcement of the power of oppressive elites, the emergence, almost invariably, of a black market and the generation of huge windfall profits for the privileged elites which manage it, enhancement of the control of the governing elites over the population at large, and restriction of opportunities to seek asylum or to manifest political opposition. While the phenomena mentioned in the preceding sentence are essentially political in nature, they also have a major additional impact on the enjoyment of economic, social and cultural rights.

4. In considering sanctions, it is essential to distinguish between the basic objective of applying political and economic pressure on the governing elite of the country to persuade them to conform to international law, and the collateral infliction of suffering on the most vulnerable groups within the targeted country. For that reason, the sanctions regimes established by the Security Council now include humanitarian exemptions designed to permit the

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* Adopted at the seventeenth session (53rd meeting), on 4 December 1997.

flow of essential goods and services destined for humanitarian purposes. It is commonly assumed that these exemptions ensure basic respect for economic, social and cultural rights within the targeted country.

5. However, a number of recent United Nations and other studies which have analysed the impact of sanctions have concluded that these exemptions do not have that effect. Moreover, the exemptions are very limited in scope. They do not address, for example, the question of access to primary education, nor do they provide for repairs to infrastructures which are essential to provide clean water, adequate health care, etc. The Secretary-General suggested in 1995 that there was a need to assess the potential impact of sanctions before they were imposed and to enhance arrangements for the provision of humanitarian assistance to vulnerable groups. a/ The following year, a major study prepared for the General Assembly by Ms. Graça Machel on the impact of armed conflict on children stated that "humanitarian exemptions tend to be ambiguous and are interpreted arbitrarily and inconsistently. ... Delays, confusion and the denial of requests to import essential humanitarian goods cause resource shortages. ... [These effects] inevitably fall most heavily on the poor." b/ Most recently, an October 1997 report concluded that the review procedures established under the various sanctions committees set up by the Security Council "remain cumbersome and aid agencies still encounter difficulties in obtaining approval for exempted supplies. ... [The] committees neglect larger problems of commercial and governmental violations in the form of black-marketing, illicit trade, and corruption." c/

6. It is thus clear, on the basis of an impressive array of both country-specific and general studies, that insufficient attention is being paid to the impact of sanctions on vulnerable groups. Nevertheless, for various reasons, these studies have not examined specifically the nefarious consequences that ensue for the enjoyment of economic, social and cultural rights. It is in fact apparent that, in most, if not all, cases, those consequences have either not been taken into account at all or not been given the serious consideration they deserve. There is thus a need to inject a human rights dimension into deliberations on this issue.

7. The Committee considers that the provisions of the Covenant, virtually all of which are also reflected in a range of other human rights treaties as well as in the Universal Declaration of Human Rights, cannot be considered to be inoperative, or in any way inapplicable, solely because a decision has been taken that considerations of international peace and security warrant the imposition of sanctions. Just as the international community insists that any targeted State must respect the civil and political rights of its citizens, so too must that State and the international community itself do everything possible to protect at least the core content of the economic, social and cultural rights of the affected peoples of that State. d/

8. While this obligation of every State is derived from the commitment in the Charter of the United Nations to promote respect for all human rights, it should also be recalled that every permanent member of the Security Council has signed the Covenant, although two (China and the United States of America) have yet to ratify it. Most of the non-permanent members at any given time are parties. Every State party has undertaken, in conformity with article 2, paragraph 1, of the Covenant "to take steps, individually and through international assistance and cooperation, especially economic and technical,

to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means". When the affected State is also a State party, it is doubly incumbent on other States to respect and take account of the relevant obligations. To the extent that sanctions are imposed on States which are not parties to the Covenant, the same principles would in any event apply given the status of the economic, social and cultural rights of vulnerable groups as part of general international law, as evidenced, for example, by the near-universal ratification of the Convention on the Rights of the Child and the status of the Universal Declaration of Human Rights.

9. Although the Committee has no role to play in relation to decisions to impose or not to impose sanctions, it does have a responsibility to monitor compliance with the Covenant by all States parties. When measures are taken which inhibit the ability of a State party to meet its obligations under the Covenant, the terms of sanctions and the manner in which they are implemented become appropriate matters for concern for the Committee.

10. The Committee believes that two sets of obligations flow from these considerations. The first set relates to the affected State. The imposition of sanctions does not in any way nullify or diminish the relevant obligations of that State party. As in other comparable situations, those obligations assume greater practical importance in times of particular hardship. The Committee is thus called upon to scrutinize very carefully the extent to which the State concerned has taken steps "to the maximum of its available resources" to provide the greatest possible protection for the economic, social and cultural rights of each individual living within its jurisdiction. While sanctions will inevitably diminish the capacity of the affected State to fund or support some of the necessary measures, the State remains under an obligation to ensure the absence of discrimination in relation to the enjoyment of these rights, and to take all possible measures, including negotiations with other States and the international community, to reduce to a minimum the negative impact on the rights of vulnerable groups within the society.

11. The second set of obligations relates to the party or parties responsible for the imposition, maintenance or implementation of the sanctions, whether it be the international community, an international or regional organization, or a State or group of States. In this respect, the Committee considers that there are three conclusions which follow logically from the recognition of economic, social and cultural human rights.

12. Firstly, these rights must be taken fully into account when designing an appropriate sanctions regime. Without endorsing any particular measures in this regard, the Committee notes proposals such as those calling for the creation of a United Nations mechanism for anticipating and tracking sanctions impacts; the elaboration of a more transparent set of agreed principles and procedures based on respect for human rights; the identification of a wider range of exempt goods and services; the authorization of agreed technical agencies to determine necessary exemptions; the creation of a better resourced set of sanctions committees; more precise targeting of the vulnerabilities of those whose behaviour the international community wishes to change; and the introduction of greater overall flexibility.

13. Secondly, effective monitoring, which is always required under the terms of the Covenant, should be undertaken throughout the period that sanctions are in force. When an external party takes upon itself even partial responsibility for the situation within a country (whether under Chapter VII of the Charter or otherwise), it also unavoidably assumes a responsibility to do all within its power to protect the economic, social and cultural rights of the affected population.

14. Thirdly, the external entity has an obligation "to take steps, individually and through international assistance and cooperation, especially economic and technical" (art. 2, para. 1, of the Covenant) in order to respond to any disproportionate suffering experienced by vulnerable groups within the targeted country.

15. In anticipating the objection that sanctions must, almost by definition, result in grave violations of economic, social and cultural rights if they are to achieve their objectives, the Committee notes the conclusion of a recent major study that "decisions to reduce the suffering of children or minimize other adverse consequences can be taken without jeopardizing the policy aims of sanctions". e/ This applies equally to the situation of all vulnerable groups.

16. In adopting this General Comment, the sole aim of the Committee is to draw attention to the fact that the inhabitants of a given country do not forfeit their basic economic, social and cultural rights by virtue of any determination that their leaders have violated norms relating to international peace and security. The aim is not to give support or encouragement to such leaders, nor is it to undermine the legitimate interests of the international community in enforcing respect for the provisions of the Charter of the United Nations and the general principles of international law. Rather, it is to insist that lawlessness of one kind should not be met by lawlessness of another kind which pays no heed to the fundamental rights that underlie and give legitimacy to any such collective action.

Notes

a/ "Supplement to An Agenda for Peace: position paper of the Secretary-General on the occasion of the fiftieth anniversary of the United Nations" (A/50/60-S/1995/1), para. 75.

b/ "Impact of armed conflict on children: note by the Secretary-General" (A/51/306), annex, para. 128.

c/ L. Minear, et al., *Toward More Humane and Effective Sanctions Management: Enhancing the Capacity of the United Nations System*, (Providence, RI, Thomas J. Watson Jr. Institute for International Studies 1998) (Occasional Paper No. 31), p. vii. Report prepared at the request of the United Nations Department of Humanitarian Affairs on behalf of the Inter-Agency Standing Committee.

d/ See also the Committee's General Comment No. 3 (1990) on the nature of States parties' obligations (E/1991/23, annex III), para. 10.

e/ Op. cit. (note c/ above), p. v.

Annex VI

REPORT ON THE TECHNICAL ASSISTANCE MISSION TO THE DOMINICAN REPUBLIC OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

(19-27 September 1997)

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Introduction

1. The Committee on Economic, Social and Cultural Rights, established by the Economic and Social Council to monitor the implementation by States parties of the International Covenant on Economic, Social and Cultural Rights, considered the initial report submitted by the Dominican Republic [a] at its fifth session, in 1990.

2. In its concluding observations, [b] the Committee noted with satisfaction that the Government of the Dominican Republic was prepared to establish a dialogue with the Committee. However, it considered that information provided by the Government with respect to a number of issues was insufficient. Members of the Committee specifically stated their deep concern at the situation of Haitian workers in the Dominican Republic and the fate of nearly 15,000 families evicted from their homes and living in deplorable conditions. In relation to the latter, the Committee found that the conditions in which the expulsions had taken place were sufficiently serious for it to be considered that the guarantees in article 11 of the Covenant had not been respected. Consequently, the Committee requested additional information on these two issues, which called for further study.

3. At its sixth session, in 1991, the Committee noted that its request for additional information had not yet elicited a response from the Government. It also noted additional information from several sources, including that contained in document E/C.12/1991/NGO/1, which gave rise to serious concern on the part of the Committee. The Committee therefore requested the State party to suspend any action which did not fully conform to the provisions of the Covenant and to provide additional information as a matter of urgency.

4. In that connection, the Committee emphasized that the Government of the Dominican Republic might wish to avail itself of the advisory services available from the Centre for Human Rights to assist it in relation to efforts to promote full compliance with the Covenant in respect of the large-scale evictions referred to in the Committee's reports. [c]

5. At the same session, the Committee adopted a draft decision in which it offered, in pursuance of article 23 of the Covenant, to send one or two of its members to continue its dialogue with the Government in relation to the matters identified and recommended that the decision be adopted by the Economic and Social Council. [d]

6. The Economic and Social Council, in its decision 1992/261 of 20 July 1992, approved the Committee's action, subject to the acceptance of the Committee's offer by the State party.

7. The Secretary-General, in a note verbale dated 14 October 1992, brought the above decision of the Council to the attention of the Government of the Dominican Republic.

8. At its seventh session, in 1992, the Committee, having noted that the Government of the Dominican Republic had responded neither to its request for the submission of additional information nor to its offer, subsequently endorsed by the Economic and Social Council in its decision 1992/261, adopted the following decision:

> "The Committee notes again that the additional information referred to in its report on the sixth session, if accurate, gives rise to serious concern on the part of the Committee. The Committee thus repeats its request to the State party to avoid any actions which are not clearly in conformity with the provisions of the Covenant and also repeats its request for the Government to provide additional information to it as a matter of urgency." e/

9. At the same session, the Committee adopted a draft decision in which it recommended that the Economic and Social Council renew its endorsement of the Committee's decision. f/

10. The Secretary-General, in a note verbale dated 15 February 1993, brought the above decision of the Committee to the attention of the Government of the Dominican Republic.

11. The Economic and Social Council, in its decision 1993/295 of 28 July 1993, renewed its endorsement of the Committee's decision.

12. The Secretary-General, in a note verbale dated 20 September 1993, brought the above decision of the Council to the attention of the Government of the Dominican Republic and suggested that the Government provide relevant information to the Committee at its ninth session (November-December 1993).

13. At its ninth session, the Committee discussed the situation in relation to requests submitted by it to the Dominican Republic to give consideration to inviting a representative of the Committee to visit that country in order to clarify certain matters which had arisen during the dialogue between the Committee and the State party. It noted that the Economic and Social Council had endorsed the request of the Committee in specific decisions. It also noted with regret that no response had been received from the State party. The Committee therefore decided to reaffirm the importance it attached to a continuing dialogue with the State party and to request its Chairperson to invite a representative of the Government to attend the tenth session of the Committee with a view to providing further information on the matters identified by the Committee. For that purpose, the Committee agreed to schedule consideration of the situation in the Dominican Republic for its tenth session, to enable it to adopt concluding observations. g/

14. The Chairperson of the Committee, in a letter dated 17 December 1993, informed the Government of the Dominican Republic of the above decision of the Committee.

15. The Government of the Dominican Republic, in a note verbale dated 27 July 1993, but received by the Committee on 26 January 1994, provided additional information with respect to the forced evictions. The note stated:

> "... the Government of the Dominican Republic points out that there is no question of the International Covenant on Economic, Social and Cultural Rights being violated, as the people evicted have, for the most part, been moved from poorly equipped slum housing to comfortable accommodation, as a visit to the housing developments in areas where such accommodation has been built, near the Columbus lighthouse, would show.

> "The Government of the Dominican Republic welcomes the offer made by the Committee on Economic, Social and Cultural Rights, and supported by the Economic and Social Council, to send one or two of its members to advise the Government and would like to inform the Secretary-General that, for the time being, the Government feels that such a generous offer is not needed as there are no large-scale evictions amounting to a violation of the International Covenant."

16. At its tenth session, in May 1994, the Committee considered the request by the Government of the Dominican Republic to postpone consideration of the situation in that country until its next session and adopted the following decision:

> "In view of the existence of exceptional circumstances in the case, the Committee agrees to a request from the representative of the Dominican Republic to postpone until its eleventh session consideration of the matters arising out of the Committee's request to the Government for the provision of additional information.
>
> "...
>
> "The Committee draws the attention of the State party to the information submitted to it by a non-governmental organization during the tenth session and made available to the Government of the Dominican Republic, and invites the Government ... to address the matters identified in that document in its presentation to the eleventh session of the Committee.
>
> "The Committee urges the Government to take all appropriate measures in the meantime to ensure full respect for all economic, social and cultural rights, in particular in relation to the right to housing." h/

17. At its eleventh session, in November-December 1994, the Committee examined matters arising out of its requests to the Government of the Dominican Republic for the provision of additional information, in particular relating to the right to adequate housing. The Committee underlined that it had devoted ongoing attention to those issues since its fifth session (1990), with particular concern about alleged instances of large-scale forced evictions, and recalled that, at its tenth session, it had urged the Government to take all appropriate measures in the meantime to ensure full respect for all economic, social and cultural rights, in particular in relation to the right to housing. The Committee also adopted concluding observations at the eleventh session. i/

18. The Committee felt that it could make a more comprehensive assessment of the problem of evictions if the Government of the Dominican Republic were to invite one or two Committee members to make an on-site visit. The Committee therefore renewed its request to the Government to send a two-person mission to the country and recalled that that request had already been endorsed clearly on two occasions by the Economic and Social Council.

19. On 28 November 1994, in accordance with the schedule for submission of reports and the Committee's requests, the Dominican Republic submitted its

second periodic report (E/1990/6/Add.7), which was initially scheduled for consideration by the Committee at its fourteenth session, in May 1996. However, in compliance with the request made by the Government, the Committee decided to postpone consideration to the fifteenth session, in November-December 1996.

20. The Committee considered the second periodic report of the Dominican Republic at its 29th and 30th meetings, on 19 November 1996. j/ In its concluding observations, k/ it expressed its appreciation to the State party for the report, but noted with regret that the Government of the State party had neither provided written replies to the Committee's list of issues, nor sent an expert delegation to present the report as it had undertaken to do at the Committee's fourteenth session in May 1996, when requesting the postponement of the consideration of the report to the fifteenth session.

21. The Committee invited the State party to confirm publicly its commitment to implementing its binding human rights treaty obligations. It appealed to the Government of the State party to honour its obligations under the International Covenant on Economic, Social and Cultural Rights, particularly through maintaining proper direct and constructive dialogue with the Committee as called for in the Covenant. The Committee proposed to adopt finally its concluding observations in relation to the State party at its sixteenth session. For that reason, the Committee decided that the concluding observations adopted at its fifteenth session would be considered "preliminary", pending further consideration of the second periodic report based on a dialogue with representatives of the State party at its sixteenth session.

22. The Committee strongly recommended that the specific information it had requested be presented to the Committee at its sixteenth session by an expert delegation.

23. At its sixteenth session, on 28 April 1997, the Committee was informed by a note verbale dated 23 April 1997 from the Permanent Representative of the Dominican Republic to the United Nations Office at Geneva that the Government of the Dominican Republic had accepted the Committee's offer to send two of its members to visit the country and pursue its dialogue with the Government in relation to the matters identified by the Committee at its fifth, seventh, tenth, eleventh and fifteenth sessions. Subsequently, the Secretary of State for Foreign Affairs of the Dominican Republic, by a note verbale dated 25 April 1997, confirmed the invitation to the Committee to visit the country to observe on site the situation of economic, social and cultural rights.

24. The Committee expressed its strong appreciation to the Government of the Dominican Republic for its willingness to cooperate with it.

25. Following its discussions relating to the organization of the mission, the Committee agreed that:

(a) It would be represented by two of its members - Mr. Philippe Texier and Mr. Javier Wimer Zambrano - and assisted during the mission by one staff member of the Office of the United Nations High Commissioner for Human Rights;

(b) The mission should take place preferably in September 1997 and in any event before the start of the Committee's seventeenth session (November 1997);

(c) The mission would focus primarily on matters relating to the implementation of the right to housing (art. 11, para. 1, of the Covenant), and would also take account of the other issues identified by the Committee in its preliminary concluding observations adopted at its fifteenth session in December 1996 following its consideration of the second periodic report of the Dominican Republic;

(d) The mission would undertake on-site visits and arrange meetings with the relevant government officials, as well as with individuals and groups from all appropriate sectors of civil society;

(e) Mr. Texier would be responsible for the preparation, on the basis of agreement with Mr. Wimer Zambrano, of a written report and its submission to the Committee at its seventeenth session in November-December 1997. That report would be considered in conjunction with the further consideration of the second periodic report of the Dominican Republic;

(f) The draft mission report would be considered by the Committee in private session and subsequently be adopted for public release;

(g) Significant assistance would be required from the Secretariat in the preparation of the mission, particularly in obtaining and analysing relevant information. The Secretariat should seek inputs from all relevant sources and should specifically request any pertinent reports or other information from UNDP, the World Bank, the United Nations Centre for Human Settlements (Habitat), ILO and other such agencies, as well as from non-governmental organizations.

26. In preparing the mission, information was sought and received from the following sources:

(a) United Nations: ECLAC, UNHCR, United Nations Centre for Human Settlements (Habitat), UNICEF, UNDP;

(b) Specialized agencies: ILO, IMF, World Bank;

(c) Regional organizations: Inter-American Commission on Human Rights, Inter-American Development Bank;

(d) Non-governmental organizations: Comisión Americana de Juristas, Habitat International Coalition, Ciudad Alternativa, Comité para la Defensa de los Derechos Barriales (COPADEBA), Centro Dominicano de Asesoría e Investigaciones Legales (CEDAIL), Centro de Orientación de Investigación Integral (COIN), Comisión Dominicana de Derechos Humanos, Comité Dominicano de Derechos Humanos, Confederación Unitaria de Trabajadores, Federación Nacional de Trabajadores Azucareros y Afines, Sindicato de Picadores de Cana, Movimiento de Mujeres Dominico-Haitianas.

27. The mission took place from 19 to 27 September 1997. The Government of the Dominican Republic provided the mission with all necessary information,

facilitated access to the areas of interest for the mission, helped to organize various meetings with the representatives of regional and municipal authorities, non-governmental organizations, the Church and academic institutions both in Santo Domingo and Barahona, and cooperated with the mission in a constructive and open manner, which was highly appreciated by the members of the mission.

28. A detailed programme of the mission's meetings and activities is provided in appendix I. Concluding observations adopted by the Committee in relation to the Dominican Republic are reproduced in appendix II, and relevant decisions of the Economic and Social Council in appendix III.

I. REPORT OF THE MISSION

A. Background

29. The Dominican Republic has a surface area of 48,442 km^2 and, in 1996, its population was 8,076,000, with 35.1 per cent of the inhabitants aged under 15 years and a density of 166 inhabitants per square kilometre. The birth rate is 26 per 1,000 and infant mortality is still quite high (40.4 per 1,000).

30. According to Inter-American Development Bank data, population density puts heavy pressure on land use and natural resources. Although the State controls 48 per cent of agricultural land, it accounts for only 17 per cent of the value of sectoral production. The process of establishing land tenure continues to be very inefficient in an economy where the private sector plays an increasingly important role. Consequently, the documentation legalizing land ownership is not reliable and the problem of land takeovers is endemic.

31. It is estimated that about 40 per cent of the territory of the capital, Santo Domingo, is illegally occupied. This problem adds to the climate of legal uncertainty for owners and investors and is a serious obstacle to economic development. The lack of property titles has a negative impact on agricultural productivity and limits private investment in urban infrastructure and housing, particularly because municipalities do not have proper land registers.

32. Four types of restriction should be mentioned:

(a) With regard to the institutional framework, the land court depends on the budget which the Executive decides to grant it and which the Congress approves. The budget is chronically inadequate, although the court provides for more than enough revenue for its operation. The law and procedures in force also create red tape in a very centralized and often inefficient system;

(b) Infrastructure and equipment are largely inadequate because of budget restrictions that have existed for decades. There is no modern data-processing system, archives are disorganized and many documents have disappeared or been destroyed; none of this makes it easier to obtain property titles;

(c) There are serious restrictions in terms of human resources. Because wages are too low, many officials do not have proper training, and this often leads to misconduct or cheating. The lack of any direct law enforcement power in the land court weakens the disciplinary system and makes for impunity;

(d) Land survey technology is inadequate. The law in force, which was last updated in 1957, is obsolete and does not facilitate land boundary demarcation. Cadastral survey anachronisms prevent the process from being transparent and encourage influence peddling. The autonomy and independence of the judiciary increased as a result of the 1994 reform, but there is still a great deal to be done to set up a land tenure system and an institutional, legal and structural reform programme.

B. The housing situation

33. At the National Forum for a New Policy for the Housing Sector and Human Settlements in the Dominican Republic, organized jointly by the National Housing Institute (INVI) and UNDP on 30 October and 1 November 1996, the housing situation in the Dominican Republic was reviewed and a programme was drawn up in line with the recommendations of the United Nations Conference on Human Settlements (Habitat II) (Istanbul, Turkey, June 1996). The findings by the participants (ministers, members of INVI, international officials, experts and non-governmental organizations) are described below.

34. The efforts made by successive Governments in the past 25 years to improve the housing situation have been insufficient; the housing and human settlements problem is growing worse each year and is a moving example of the backwardness and poverty of much of the Dominican population.

35. Thus 46 per cent of the 1,400,000 existing dwellings are sub-standard, either because they lack essential basic services or because they are quite simply unusable and dangerous for the persons who live in them; 11 per cent of existing dwellings fall into the latter category. This combination of shortcomings in terms of quality and unmet housing needs has created a deficit which, by the most conservative estimates, stands at over 500,000 dwellings and may be as high as 800,000.

36. Another component of the problem is the result of high building costs, high interest rates on financing and the low purchasing power of members of the middle and lower classes, who have literally remained outside the market because of current private housing supply conditions.

37. Account must also be taken of the lack of institutional effectiveness in the housing sector, which is reflected in the variety and overlayering of governmental agencies and bodies dealing with planning and housing matters. The consequence is the lack of an overall housing policy to define an order of priorities within a national development policy.

38. As a result of this particularly alarming finding, of which it must be stressed that the Government and specialized agencies are aware, measures were announced at the 1996 Forum and are evidently intended to be of a medium-term and long-term nature. They include:

(a) Encouraging the establishment of "urban master plans" to regulate urban development, establish suitable population densities, use urban land in a rational way, distribute activities, service and equipment infrastructures and environmental protection policies, and pay particular attention to the precariousness of the housing situation in overpopulated and overcrowded areas;

(b) Considerably reducing the urban and rural housing deficit, in terms of both quality and quantity, by giving priority to productive sectors and the lowest-income population groups ("building for the poorest");

(c) Immediately defining, with the cooperation of the private sector, mechanisms to guarantee that enough dwellings are built each year to meet the needs of medium- and low-income sectors by earmarking as many resources as possible for this purpose, with the government budget being used specifically to help poverty-stricken groups by means of low-cost housing solutions;

(d) Completing dwellings that are under construction by determining a correctly evaluated order of priorities incorporating the private sector and the savings and loan system;

(e) Creating incentives for agencies in the sector to reduce building costs and set up loan programmes for purchases of materials for low-income families by creating direct-negotiation machinery between the Government and the private sector;

(f) Implementing special unconventional housing programmes to meet the needs of a larger number of low-income families by designing projects to give property titles to tenants and squatters of unfinished dwellings or dwellings under construction, mutual assistance and self-help projects, housing cooperatives and, in all cases, the promotion of organized participation by neighbourhood and rural communities;

(g) Establishing a special "savings fund" for the construction of dwellings for workers and employees which would be financed by contributions by employers, employees or workers and the Government and set up by law. It would help create a large pool of tripartite housing projects;

(h) Promoting the establishment of an urban cadastral survey and beginning, in cooperation with mayors' offices and non-governmental organizations, the process of identifying and equipping land belonging to the State and municipalities for use as decent human settlements, particularly in rural areas, where programmes would be established to promote some concentration of the scattered peasant population in and around productive centres;

(i) In the context of government reform and modernization, bringing about the institutionalization of the official sector by formulating policies and standards to govern the construction of dwellings. In the immediate future, the plan is that the agency managing the housing policy should be INVI, which will coordinate government work and initiatives. In the medium term, the plan is to establish the Ministry of Housing and Human Settlements as a higher-ranking State body to deal with the challenges of building more decent housing for everyone.

39. Specifically, INVI considers itself necessary and intends to offer 100,000 housing solutions in four years and to add a large official and unofficial private-sector contribution as part of the strategy for the gradual reduction of the housing deficit.

C. The question of evictions from slums and relocation

40. It should be recalled that, during its consideration of the Dominican Republic's reports since its fifth session, in 1990, the Committee has discussed the large-scale evictions which have taken place, especially the largest ones: 30,000 families residing in the Northern Zone of the capital and threatened with forced eviction under Decrees Nos. 358-91, 359-91 and 76-94; several thousand families evicted for the construction of the Columbus lighthouse; and evictions in several provincial cities, such as Santiago, San Juan de la Maguana, Boca Chica and El Seybo. It also discussed the particularly difficult living conditions that families in slums (Barrancones) have had to endure since cyclone David.

41. It should be noted that there has been a radical change by the current Government in its approach to the housing problem. Not only does it not deny that the housing problem has given and still gives rise to serious difficulties, but it also shows clear-cut determination to resolve them.

42. Representatives of the Government at the highest level, particularly the President of the Republic and several ministers, stated that the Government's main job is to satisfy the people's needs and to protect human rights. In the specific area of evictions, the Government solemnly affirmed on several occasions that it was determined not to carry out any evictions and to establish a policy for the resettlement of persons who had been displaced or evicted. So far, there have been no evictions by public bodies.

43. The first very positive measure was the repeal of Decree No. 358-91, which provided for the militarization of La Ciénaga and Los Guandules on the banks of the Ozama river in central Santo Domingo, and its replacement by Decree No. 443-96, which removes the military, allows the population freedom of movement and provides for a programme to improve the two neighbourhoods.

44. The Government also signed an agreement with 209 evicted families who occupied three churches for a year and a half to demand that the promised dwellings be assigned to them. To date, 81 of the 169 families who were to be housed in three different sectors have been relocated to El Guaricano.

45. The President of the Republic also responded to the request of 681 families living in Los Alcarrizos slums since 1979 by entrusting responsibility for a housing programme for those families to the Public Works Coordination Office. Some 50 families living in the immediate vicinity of the Duarte Bridge were resettled in housing projects.

46. With regard to the question of the guarantee of regularization of land ownership and improvement of the living conditions of more than 500,000 persons residing in the Central Zone of the capital, regularization projects are under consideration with a view to issuing property titles. A bill along these lines has been drafted, but it is still pending in the Senate.

47. Consultation machinery has been established by the Government in the process of the formulation of national plans for compliance with international undertakings. In this connection, particular attention is drawn to the project under way to establish an ombudsman's office, which is supported by UNDP and several citizens' organizations.

48. The National Council for Urban Affairs (CONAU), the National Housing Institute (INVI) and UNDP have signed an agreement to give effect to Decree No. 76-94, which provides for the implementation of an inter-agency coordination plan for the development of the Central-North Zone of the capital.

49. The Government has also adopted a decree establishing the Presidential Neighbourhood Development Commission with a view to strengthening coordination machinery between the State and neighbourhood and community organizations.

50. The Government has announced the start of a housing programme which is designed to diversify possible solutions by giving priority to a line of credit and assistance for the most underprivileged sectors and reserving low-income housing for sectors with no ability to pay.

51. The Government has also adopted an Act authorizing a 4 per cent tax rebate for municipalities and, through INVI, it has taken over the INVIVIENDA projects in Santo Domingo and Santiago, thus complying with the agreement reached by the State with thousands of buyers since the 1980s.

52. Two examples will be given to illustrate the progress made and the problems that remain: the situation in La Ciénaga and Los Guandules; and that of the families living in Los Alcarrizos until they can be relocated.

1. La Ciénaga and Los Guandules

53. In 1991, Expulsion Decree No. 358-91 militarized this enormous area located in the middle of Santo Domingo on the banks of the Ozama river, where most of the city's sewage and industrial waste are dumped. About 8,000 families live in these two neighbourhoods in often very difficult conditions, as the Committee has been informed several times in the past.

54. On 17 September 1996, following a mass visit to the Presidential Palace by representatives of these neighbourhoods, the President of the Republic repealed the Decree. According to what many inhabitants whom the mission met had to say, a process of ongoing improvements was immediately started through the combined efforts of families and the Government.

55. During an on-site visit, the neighbourhood representatives gave the mission a lengthy description of the process, followed by a detailed visit. With the technical assistance of the Ciudad Alternativa organization, the community, meeting as a group of coordinated organizations, drew up an urban development plan for La Ciénaga and Los Guandules known as the "Cigua Plan". It has the support of the Office of the Master Plan of the City of Santo Domingo, the Office of the Mayor of the National District and CONAU. It is comprehensive, deals, for example, with housing, health, education, recreation, vocational training, food marketing and the improvement of living conditions, and is aimed at finding specific solutions to all these problems.

56. The Cigua Plan was officially turned over to the Government and the Mayor of the National District in September 1997. It could serve as a model for other communities and, according to its authors, as input for the preparation of the 1998 national budget. It sets short-term (1998), medium-term (2000-2003) and long-term (2003-2006) objectives.

57. The Plan's general objective is to raise the standard of living of the inhabitants of La Ciénaga and Los Guandules, while its specific objectives are to improve physical conditions and the environment in neighbourhoods, as well as the economic, social and cultural conditions of the population, and to promote participatory management processes with the assistance of neighbourhood organizations and support agencies (NGOs, international organizations, academic institutions, etc.).

58. Further details of the Cigua Plan cannot be given in this report, but it must be said that, so far, it has been an excellent example of the work that dynamic communities can do with the assistance of the Government, mayors' offices and civil society. The task is enormous, but the start that has been made is very encouraging.

2. Los Alcarrizos

59. After cyclone David destroyed a large number of houses in 1979, 681 families were transferred to this neighbourhood, where they have been living for 18 years in deplorable conditions, hoping for a decent relocation solution, which was promised to them at the time of their transfer.

60. The mission went to Los Alcarrizos and saw how totally inadequate the site is. The ground is sandy and washes off during the rainy season, ending up under the huts, which are made of brick, metal sheeting, pieces of wood or cardboard and earth. There is no sewerage and waste water runs freely on the ground. Drinking-water points are far apart and water quality is very poor, leading to serious health problems, particularly for children. There is no health centre nearby and no school; sources of work are also far away and most of the families living on the site are poverty stricken.

61. Earlier Governments promised that the community would be resettled in dignity and, a few dozen metres from the existing slum, built two buildings which are still not completed. When the mission visited them, construction had been suspended for more than a month, thus creating anxiety for the members of the community. The solutions which these buildings offer would be a great improvement over the current situation, but the apartments being built are quite small and basic.

62. The members of the community complain of having been duped by false promises, that one of the buildings is poorly cemented and unsafe and, in particular, that the number of apartments proposed will house only half the disaster-stricken families. After two decades of living and surviving in these miserable conditions, only 350 families will be relocated and 331 will continue their interminable wait.

D. Main housing problems at present

63. In view of the chronic housing deficit, three problems are of particular concern:

(a) The inadequacy of the resources allocated to this sector for construction, as well as for the repair of slum dwellings and the relocation of disaster-stricken communities;

(b) The large number of housing and urban planning agencies and their lack of coordination;

(c) There is no ministry of housing which has an overall view of the problem.

64. Several agencies are working in the sector:

(a) The National Housing Institute (INVI), an autonomous State agency set up in 1962 to provide decent housing. As its members admit, its work was not very successful in the past and it built 20,000 to 25,000 dwellings in 35 years. The current Government's policy is designed to breathe new life into this agency and make it the driving force behind housing policy, with government funding. Between 1986 and 1996, INVI almost ceased to exist, curiously because of its unbridled ambition; ad hoc "national property" offices were therefore set up directly within the Office of the President of the Republic (see below). The Director and officials of INVI nevertheless reaffirmed that they were determined not to carry out any evictions without relocation. "We have removed the word 'eviction' from the urban planning dictionary", the Director told the mission;

(b) The National Council for Urban Affairs (CONAU), which deals with urban policies and is part of the Office of the President of the Republic. It plans, but does not implement;

(c) The Presidential Neighbourhood Development Commission, which was set up in June-July 1997 and whose main objective is to evaluate conditions in all Santo Domingo neighbourhoods;

(d) The Technical Secretariat of the Office of the President, which gives technical form to the undertakings entered into by the President of the Republic and implements projects. At present, it manages about 1,400 projects, intended as a matter of priority for underprivileged population groups. Its medium-term objective is to set up a ministry of human settlements and housing;

(e) The National Property Department, whose Director told the mission that, in the past, large-scale evictions had been done by his Department and stated that this practice had now been abandoned in favour of a survey and possible relocations. The Department is setting up a property title office and improving the national land registry. It considers that it is able to obtain all the land needed to reduce the housing deficit, but its functions do not allow it to build.

65. A look at this list of agencies shows that they are poorly coordinated and mostly report to or are directly part of the Office of the President of the Republic. That is the third structural problem: too much decision-making power is concentrated in the head of State.

66. As a result of the authoritarian tradition of previous Governments, the public is of the opinion that the only person who can solve any individual or collective problem is the President of the Republic. He is therefore approached in every case. This state of mind has not yet been changed and the need to set up a ministry of housing for coordination purposes and to decentralize decisions therefore has to be met in the medium term.

67. In addition to structural problems, there are some issues that should be cleared up in the coming months:

(a) The navy has to be transferred to uninhabited or protected areas to prevent them from being invaded;

(b) During the 1996 pre-election period, large protected areas were occupied or invaded (La Ciénaga, Los Guandules) and, in some cases, sold back to families; it should be possible to solve this problem;

(c) Community participation in the formulation of government projects is still low, but increasing; organizations in La Ciénaga and Los Guandules have proposed that the Government should establish an inter-agency coordination and follow-up committee for government works, but, so far, no action has been taken on this proposal;

(d) The situation of families awaiting relocation, including 128 of the 209 who occupied 3 churches for a year and a half; 260 from Cristo Rey, some of them living hand-to-mouth with relatives and the others having moved inland; the families living in Hoyo de la Zurza; the 681 families living in Los Alcarrizos, mentioned above; and 56 of the 106 families living under the Duarte Bridge since 1979;

(e) Decree No. 155-94, which provides for the regularization of land ownership by families living in the Central-North Zone of Santo Domingo since 1955, has not been implemented. Its implementation depends largely on the negotiations with one family, which have apparently been taken over by CONAU;

(f) A bill for the regularization of land ownership in many neighbourhoods is still before the Senate, whose President seems to be opposed to its adoption on the grounds that it would lead to large-scale land occupation. This situation has a considerable impact, since it affects about 500,000 people;

(g) In the past year, evictions have continued to take place on private-sector land, although the ownership of the land was not always clearly established. In this connection, the fact that there is no updated government land registry is to be deplored.

E. The situation of Haitian workers and their families

68. The immigration of labour from Haiti dates far back and has always given rise to many problems. The long open border between the Dominican Republic and Haiti means that hardly any serious patrolling can be done. State bodies and non-governmental organizations are unable to give specific figures on migratory flows and the number of Haitians in the Dominican Republic. The Director-General for Migration gives a figure of 500,000 to 600,000 Haitians in Dominican territory, only 5 per cent of whom have identity or other documents.

69. One of the major problems this population group faces is that its illegal status is constantly reproduced: the parents have no documents and the children have none either, precisely because the parents do not have any, and it is practically impossible to obtain documents, either because the parents do not record births at the Civil Registry Office or because hospital or civil-registry officials refuse to record them or to issue birth certificates. The reason given is that the parents do not have legal documents or that the temporary residence permit enables the authorities to regard them as foreigners in transit, which, according to the Constitution, means that the children cannot be regarded as Dominicans.

70. An immigration bill is apparently under review at the present time, although the mission was unable to obtain official confirmation. It would apparently eliminate the deportation procedure in force in the past and replace it by administrative expulsion offering more guarantees.

71. The question of the nationality of Haitian children, and even of children of Haitians born in the Dominican Republic, is still very much a matter of dispute for the reasons given above, but also because, in matters of nationality, the Dominican Republic applies *jus soli* and therefore does not recognize the entitlement of children born in Haiti to be Dominicans. Curiously, however, it sometimes bases itself on the Haitian Constitution, which applies *jus sanguinis*, in saying that recognition of Dominican nationality for children born in the Dominican Republic would be contrary to the Constitution of Haiti.

72. This situation is particularly alarming because it denies all rights to children, men and women who have often been living in Dominican territory for years: they have no social security, health care or education, etc. They have no status as individuals.

Conditions in the sugar cane plantations (bateyes)

73. Living and working conditions in the *bateyes* are extremely difficult. The cane cutters are often subjected to abuses by migration and military authorities and children and women have no legal status.

74. It is the poverty of these population groups that is particularly alarming, however, as the mission was able to see during its visit to La Cuchilla *batey*, which is located in a remote part of the province of Barahona. The *batey* is very poor and much like an African village; it is composed of some huts on either side of a dirt path which serves as a main street and the only services available to the community are a nearby well,

which provides drinking water, and a school, which is in fact a hut with one teacher. The only source of work is sugar cane cutting during the harvest period and some sporadic farm work during the rest of the year. The families are all of Haitian origin. There is no health centre, electricity, telephone or sewerage. The situation is one of total deprivation.

75. Since the time when the condition of these workers was close to slavery, it has, of course, improved slightly. It should be recalled that, in the not too distant past, batey workers were not paid in cash, but in coupons which they had to spend in the batey stores; they were not allowed to go out and received no recognition as workers.

76. Social leaders agree that the conditions of batey workers have improved somewhat with the change of Government, and the Haitian authorities say the same, but there continue to be various forms of social violence against Haitian workers, as well as their women and children, and also against Dominican workers who are or seem to be of Haitian origin.

77. Within the community of Haitian and Dominican workers who harvest the sugar cane, there is concern about plans to privatize the sector, despite the assurances of the Director-General of the National Sugar Council about his determination to take measures to make hiring more transparent, with six-month contracts and a minimum wage. At present, a cane cutter is paid 40 pesos per ton, plus a 2-peso bonus, i.e. a wage of about $100 per month. Housing is free, but the mission was able to see how precarious the dwellings are.

II. CONCLUSIONS AND RECOMMENDATIONS ADOPTED BY THE COMMITTEE

78. The Committee would above all like to express its heartfelt thanks to the Government of the Dominican Republic for the conditions it prepared for the mission's arrival and visit. In a spirit of great openness, the government authorities received the mission at the highest level and opened all doors, both in the capital and in the provinces which the mission wished to visit. The dialogue was always very constructive and cooperation was full; no attempt was made to conceal problems. This is undeniably a sign of willingness to bring about change.

79. The Committee also wishes to thank the many non-governmental organizations which made the missions task easier, particularly COPADEBA and Ciudad Alternativa, which have been doing untiring, serious and professional work on behalf of the poorest groups for many years. It also thanks neighbourhood organizations, communities, the inhabitants of poor neighbourhoods and workers' and Haitian women's organizations, which are engaged in a daily struggle for their dignity.

80. The representatives of the Committee found that the main actors in and observers of the Dominican situation, including opposition parties and independent social agencies, generally agree with the social policy established by the new Government.

81. These positive changes are reflected not only in policy statements, but also in the amendment of laws and regulations and, above all, the implementation of projects, programmes and public works of genuine importance to the community.

82. The Committee's rejection of the policy of large-scale forced evictions which characterized the previous regime is now official Dominican Government policy. The evictions have been suspended and work is being done to relocate many families living in slums.

83. The recommendations which the Committee has made to the Dominican Government since 1990 have been skilfully used by non-governmental organizations in the Dominican Republic to strengthen the protection of human rights and influence the formulation of an alternative policy, especially relating to housing for the population.

84. The current Government's housing policy differs from that of its predecessor in terms of ends and means. The characteristic of the previous policy was that it gave preference to major ornamental works, to the wishes of the moneyed classes and to housing projects as part of a centralized and authoritarian system. The new policy is designed to give priority to low-income groups and carry out housing projects in consultation with the communities concerned.

85. There are many national and local people's organizations fighting for their rights. They work together with the Government on specific projects, but keep a safe distance from its acts and omissions. They are particularly active in matters relating to housing and their contribution to the new housing policy is very important.

86. The majority of Dominican society is *mestizo* and there is no widespread problem of racial discrimination, with the exception of the discrimination, consisting of a mixture of racism, chauvinism and class consciousness, that influential sectors of the population advocate and practise against Haitian immigrants. Such discrimination affects Black Dominicans who have Haitian backgrounds or customs regarded as being Haitian.

87. Nearly all Haitian immigrants work as sugar cane cutters and, more recently, in the building industry. No authority knows exactly how many Haitians there are, but estimates put their numbers at 500,000, of whom only 25,000 have documents. The main problems of these workers stem from their lack of legal identity, which makes them very vulnerable within the society.

88. The majority of children of Haitians born in Dominican territory do not have Dominican nationality because they are regarded as children of foreigners in transit, a category denied that right by the Constitution. These children are not given a birth certificate in hospitals or civil registry offices and thus inherit the same undocumented status as their parents.

89. Most of these workers and their families live in the *bateyes*, wretched villages which are stuck in the midst of sugar refineries, lack the most basic services and are not subject to any municipal regulations. The authorities recognize that there are practically no Dominican sugar cane cutters because of the appalling living conditions offered by this type of work. The action that some companies have taken for the benefit of their workers is obviously not enough to solve key problems in the *bateyes*.

90. The general anti-poverty policy cannot make any progress if the Government does not encourage far-reaching economic changes in order to improve the very unequal distribution of wealth that now exists. Earmarking public funds is an essential tool for raising the income and standard of living of the low-income population.

91. In the context of the Government's new housing policy, it is necessary and urgent to relocate all the families who were evicted by past Governments and who have been living in conditions of extreme poverty, indignity and despair for many years. This is the case in Los Alcarrizos, La Ciénaga, Los Guandules, Villa Juana, Guachupita and Cristo Rey. It is also necessary to issue title deeds to regularize the ownership of land by much of the population.

92. The Government's housing policy can move ahead in a coherent way only if the administrative sector dealing with these tasks is reorganized and modernized and if a government body with enough legal authority and political power is set up to eliminate unnecessary administrative units and coordinate the activities of all agencies involved in the construction of dwellings for the population. In this connection, the Committee recommends that a housing department be established rapidly.

93. If eviction programmes are to be replaced by relocation programmes, the centralized and authoritarian system has to be replaced by an open, democratic and cooperative one. Every particular project then has to be approved and implemented in close cooperation with the representatives of the communities concerned as part of a decentralized process.

94. The Committee recommends that, in order to complete the work being done in La Ciénaga and Los Guandules and the repeal of Decree No. 358-91, the Government should fully withdraw the military from these two areas so that improvements can be made in these communities' living conditions.

95. In order to give full effect to the right to housing provided for in the Constitution, communities should be able to receive advance information on urban development plans likely to affect their rights.

96. The urban land register should be amended without delay as a first step towards the attribution of title deeds to the tens of thousands of occupiers who do not have them; this is also a matter of priority.

97. The authority and credibility of the Government in respect of housing for the population will increase if its programmes and activities are based on a better policy of communication that explains what action the persons concerned should take and what procedures they should follow in order to solve their housing problems.

98. The problem of immigrant workers of Haitian origin is very complex, but none of the possible analyses should rule out the human rights point of view, in which priority is assigned to the adoption of a government policy to regularize the registration of the children of immigrant workers and their families.

99. The immigration authorities must cease to interpret article 11 of the Constitution to mean that immigrants should have the status of foreigners in transit for the obvious purpose of denying their children the right to Dominican nationality.

100. Provisions of the 1996 draft Migration Act which appear to violate economic, social and cultural rights of immigrants and their families, and particularly article 6, which regards foreigners admitted in the non-resident migrant category and foreigners who enter and stay in the country illegally as being in transit, should be deleted.

101. In order to reduce the number of arbitrary acts and abuses of the rights of immigrants committed by some officials, the amendments to the Migration Act should restrict, not increase, the discretionary powers of the immigration authorities.

102. It is recognized that sugar companies have introduced some services in the *bateyes* to improve the difficult living conditions of the workers there. Nonetheless, the problem cannot be dealt with in any serious way until the legal status of the *bateyes* and their relationship with municipalities and companies are defined in realistic terms.

103. The Committee would like the Government of the Dominican Republic to keep it informed of the action taken on the above recommendations within the context of its third periodic report due on 30 June 1999.

Notes

a/ E/1990/5/Add.4.

b/ E/1991/23, paras. 246-250.

c/ See E/1992/23, paras. 330-331.

d/ Ibid., chap. I, draft decision III.

e/ E/1993/22, para. 201.

f/ Ibid., chap. I, draft decision II.

g/ E/1994/23, para. 373.

h/ E/1995/22, paras. 207 and 209-210.

i/ Ibid., paras. 309-335.

j/ See E/C.12/1996/SR.29-30.

k/ E/1997/22, paras. 212-242.

APPENDICES

Appendix I

PROGRAMME OF ACTIVITIES OF THE MISSION

THURSDAY, 18 SEPTEMBER

7 p.m.	Arrival in Santo Domingo Meeting of the members of the mission

FRIDAY, 19 SEPTEMBER

9.30 a.m.	Meeting with Mr. Eduardo Latorre, Secretary of State for Foreign Affairs
10.30 a.m.	Meeting with representatives of the Office of the Secretary of State for Foreign Affairs: human rights, international organizations
2.30 p.m.	Meeting with the United Nations Resident Representative in the Dominican Republic
3 p.m.	Meeting with representatives of various United Nations bodies in the Dominican Republic (UNDP, FAO, WFP, UNICEF, UNFPA, UNAIDS, UNHCR, IOM)

SATURDAY, 20 SEPTEMBER

10 a.m.	Meeting with representatives of non-governmental organizations; topics: forced evictions, situation of women and children - Women's Coordinating Body (Centro Bono, Josefa Brea 65, Mejoramiento Social, Ciudad Alternativa, Comité para la Defensa de los Derechos Barriales (COPADEBA))
3 p.m.	Meeting with Church officials (Centro Bono, Josefa Brea 65, Mejoramiento Social, Ciudad Alternativa, COPADEBA)
4 p.m.	Visit to Los Alcarrizos (Ciudad Alternativa, COPADEBA)

SUNDAY, 21 SEPTEMBER

10 a.m.	Meeting with representatives of non-governmental organizations: topics: living and working conditions in the *bateyes*, situation of Haitian workers (Centro Bono, Josefa Brea 65, Mejoramiento Social, Ciudad Alternativa, Centro Dominicano de Asesoría e Investigaciones Legales (CEDAIL), COPADEBA, Jesuit Refugee Service)

MONDAY, 22 SEPTEMBER

9.30 a.m.	Meeting with Mr. Joaquin Geronomo, Director, National Housing Institute (INVI)
10.30 a.m.	Meeting with Ms. Mercedes Sabater de Macarrulla, President, National Council for Urban Affairs (CONAU), and Mr. Euclides Sanchez, Director, Government Works Monitoring Office
11.30 a.m.	Meeting with Mr. Eduardo Selman, Technical Secretary, Office of the President of the Republic
12.40 p.m.	Meeting with the Under-Secretary of State for Public Health and Social Welfare
3 p.m.	Meeting with Ms, Gladys Gutierrez, Director-General for the Advancement of Women
4 p.m.	Meeting with Ms. Ligia Amada Melo de Cardona, Secretary of State for Education and Culture
5.30 p.m.	Meeting with Ciudad Alternativa and COPADEBA

TUESDAY, 23 SEPTEMBER

9 a.m.	Meeting with Mr. Rafael Albuquerque, Secretary of State for Labour
10 a.m.	Meeting with Mr. Ignacio Rodríguez Chiapini, Director-General, National Sugar Council, and Ambassador Wenceslao Guerrero, Head of the Ministry Department of Haitian Affairs
11.15 a.m.	Meeting with Mr. Danilo Díaz Vizcaino, Director-General for Migration, and Ambassador Wenceslao Guerrero, Head of the Ministry Department of Haitian Affairs

3 p.m.	Meeting with Mr. Amable Aristi Castro, President of the Senate
4 p.m.	Meeting with representatives of trade unions (Confederación Unitaria de Trabajadores, Federación Nacional de Trabajadores Azucareros y Alfines, Sindicato de Picadores de Cana), (Ciudad Alternativa, COPADEBA)
WEDNESDAY, 24 SEPTEMBER	
9 a.m.	On-site visits: La Ciénaga, Virgen del Carmen School; CIGUA/CODECIGUA Plan meeting (Ciudad Alternativa, COPADEBA, Coordinación de Organizaciones de La Ciénaga y Los Guandules (CODECIGUA))
3 p.m.	On-site visits: Villa Juana, Guachupita and Cristo Rey (Ciudad Alternativa, COPADEBA)
6 pm.	Meeting with popular organizations and representatives of sectors affected by forced evictions (Ciudad Alternativa, COPADEBA)
THURSDAY, 25 SEPTEMBER	
7 a.m.	On-site visit to La Cuchilla *batey* (central Barahona)
	Meeting with representatives of civil society (Ciudad Alternativa, COPADEBA, LEMBA Group, Radio Enriquillo, CEAJURI, CEDAIL (Barahona branch)
6 p.m.	Return to Santo Domingo
6.30 p.m.	Reception at the Ministry of Foreign Affairs
FRIDAY, 26 SEPTEMBER	
10 a.m.	Meeting with Mr. Henry Carrido, Director-General for National Property
1 p.m.	Meeting with Mr. Leonel Fernández Reyna, Constitutional President of the Dominican Republic
3 p.m.	Meeting with non-governmental organizations and academic and other institutions (Ciudad Alternativa, CEDAIL, COPADEBA, Movimiento de Mujeres Dominico-Haitianas, Centro de Orientación de Investigación Integral)

4.30 p.m.	Meeting with Ciudad Alternativa
5 p.m.	Press round
7 p.m.	Meeting of the members of the mission: report on the mission
SATURDAY, 27 SEPTEMBER	
8 a.m.	Meeting of the members of the mission: report on the mission
	Meeting with non-governmental organizations
	Departure from the Dominican Republic

Appendix II

CONCLUDING OBSERVATIONS ADOPTED BY THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN RELATION TO THE DOMINICAN REPUBLIC

1. Fifth session, 1990 (extract from the Committee's report, E/1991/23)

246. In concluding consideration of the initial report of the Dominican Republic, the Committee noted with satisfaction that the Government of that country was prepared to establish a dialogue. The report submitted by the State party, however, seemed to the Committee to be too juridical and lacking in information on the practical and concrete implementation of the Covenant, on case law and on statistical data relating to the various rights recognized by articles 6 to 15 of the Covenant. The information concerning the relevant articles of the Constitution or the texts of various laws and regulations appearing in the report had inadequately developed some articles of the Covenant, such as articles 9 and 11, or had not developed them at all in the report, such as article 15.

247. Moreover, although a certain amount of information had been provided in response to the issues provided in writing for the delegation of the Dominican Republic by the Committee's pre-sessional working group, relating in particular to the minimum wage, the length of the working day, retirement, child labour, illiteracy and education, many other issues had not been broached. For instance, in addition to the issues relating to article 15 of the Covenant which had not been developed, the information provided in respect of social welfare, trade-union organizations, the right to strike, the benefits provided for pregnant women, abortion, the right to housing and to health had been considered to be insufficient.

248. Further, following the additional questions asked and comments made orally by the members of the Committee concerning the actual implementation of the Covenant, the Government of the Dominican Republic had transmitted a written statement to the Committee in which it asked for an additional period of time in which to reply.

249. Members of the Committee stated their deep concern at the situation of Haitian workers in the Dominican Republic and wished to obtain all relevant information on the role of the CEA (Consejo Estatal del Azúcar) in the recruitment of these workers, on the condition of Haitian workers including their freedom of movement, their wage and their working conditions and any measures taken by the Government following the report established by the committee appointed by the President of the Dominican Republic to end forced labour. The information that had reached members of the Committee concerning the massive expulsion of nearly 15,000 families in the course of the past five years, the deplorable conditions in which the families had had to live, and the conditions in which the expulsions had taken place were deemed sufficiently serious for it to be considered that the guarantees in article 11 of the Covenant had not been respected.

250. The Committee consequently requested an additional report on those issues, which called for more detailed development, as well as answers to those questions which had been kept pending.

2. Eleventh session, 1994 (extract from the Committee's report, E/1995/22)

A. Introduction

309. At its 43rd and 44th meetings on 30 November 1994, the Committee examined matters arising out of the requests to the Government of the Dominican Republic for the provision of additional information, in particular relating to the right to adequate housing. The Committee has devoted ongoing attention to these issues since its fifth session (1990), with particular concern about alleged instances of large-scale forced evictions. At its tenth session the Committee urged the Government to take all appropriate measures in the meantime to ensure full respect for all economic, social and cultural rights, in particular in relation to the right to housing. At its 55th meeting on 8 December 1994, the Committee adopted the following concluding observations.

310. The Committee appreciates the appearance before it of two representatives, including an expert from the capital, and the opportunity to engage in a constructive dialogue with the Government on the right to adequate housing.

B. Positive aspects

311. The Committee welcomes the frank and open manner in which the Government responded to questions put to it and its willingness to acknowledge many of the difficulties which have impeded the implementation of the Covenant. In particular, the Committee welcomes the information received on the extent of the practice of forced evictions, the impact of fraud and other unfair practices in the allocation of public housing units and information concerning positive changes in Government policy.

312. The Committee notes the housing rights provisions in article 8 (15) (b) of the Constitution and several recent amendments to the relevant provisions of the Constitution. It notes that these provisions could, if reflected fully in law and practice, assist in promoting enhanced accountability and the development of judicial procedures which would provide an effective means of recourse for those whose right to housing is threatened.

313. The Committee welcomes those aspects of decrees 76-94 of 29 March 1994 and 155-94 of 11 May 1994 which commit the State to providing the broadest possible protection to the stability of the Dominican family and to giving property titles to all families who, up to 11 May 1994, have built homes on lands declared to be public property. The Committee also welcomes the decision by the Government to create a green belt around the city of Santo Domingo, and its commitment to construct 12,500 new housing units for low-income communities.

314. The Committee also welcomes the Government's statement of its intention to amend its legislation and policy to bring them into line with the obligations arising out of the Covenant, to take measures with regard to forced evictions and to adapt relocation policies to ensure that such measures are carried out only as a last resort and that when they do occur the principle of a "house for a house" will be respected. The indication by the Government that urgent consideration will be given to suspending decrees 358-91 and 359-91 is particularly welcomed by the Committee.

315. The Committee welcomes the undertaking by the Government to submit additional information on all questions which were unanswered and to give positive consideration to the Committee's request to send one or two of its members to the country with a view to assisting the Government in implementing the rights found in the Covenant.

C. Principal subjects of concern

316. The Committee reiterates the importance it attaches to the right to housing and reaffirms its long-standing view that forced evictions are prima facie incompatible with the requirements of the Covenant and can only be justified in truly exceptional circumstances. The situation regarding forced evictions within the country continues to be viewed with concern by the Committee.

317. The Committee has received, over the course of several years, detailed and precise information relating to the housing situation in the Dominican Republic. This information has systematically been provided to the Government with a request for comments as to its accuracy. This information has indicated, *inter alia*, that:

(a) Thirty thousand or more families residing in the Northern Zone (Zona Norte) of the capital are threatened with forced eviction under decrees 358-91, 359-91 and 76-94. Areas particularly affected are La Ciénaga-Los Guandules, Gualey, Barranca de Guachupita, Simon Bolivar, La Canada de Simon Bolivar, Barrio 27 de Febrero, La Zurza, Capotillo, Las Canitas, Ens Espaillat, Maquiteria, Simonico, Cristo Rey, Guaricano, Borojol, 24 de Abril and parts of the Colonial Zone;

(b) Thousands of families have been evicted from the site of the "Faro a Colon" in the city without regard to their rights;

(c) Forced evictions have also occurred in cities such as Santiago, San Juan de la Maguana, Boca Chica and El Seybo, as well as in rural areas such as Los Haitices and Jiguey-Aguacate;

(d) Of the many families relocated to sites on the periphery of Santo Domingo only a small proportion received relocation allowances while some 3,000 families received neither relocation allowances nor adequate compensation for their eviction;

(e) The current living conditions faced by those relocated as a result of Hurricane David in 1979, in particular the 106 families residing under the Duarte Bridge (Puente Duarte) and the 658 families residing in los Barrancones de Alcarrizo, are grossly inadequate.

318. While the Government presented the Committee with information as to the achievements and shortcomings of its various policies in relation to housing, the Committee did not receive any information which would lead it to conclude that these problems do not exist or have been adequately addressed.

319. It therefore expresses its serious concern about the nature and magnitude of the problems relating to forced evictions and calls upon the Government of the Dominican Republic to take urgent measures to promote full respect for the right to adequate housing. In this regard, the Committee notes that, whenever an inhabited dwelling is either demolished or its inhabitants evicted, the Government is under an obligation to ensure that adequate alternative housing is provided. In this context, "adequacy" requires relocation within a reasonable distance from the original site, and in a setting which has access to essential services such as water, electricity, drainage and garbage removal. Similarly, persons who are housed in conditions which threaten their life and health should, to the maximum of available resources, be adequately rehoused.

320. The Committee is concerned about the ease with which the Government is prepared to authorize or undertake the demolition of homes, even when such dwellings are capable of being repaired or renovated. It appears that insufficient attention is paid in this context to extensive alternative community development and urban improvement plans developed by popular organizations.

321. The Committee was informed that the national housing unit deficit currently stands at some 500,000 units. If correct, this level would be exceptionally high given the relatively small population of the country. While the Committee commends the Government for the construction of roughly 4,500 housing units annually, this quantity is clearly insufficient. Moreover, the Committee was also informed that less than 17 per cent of Government-built housing units are provided to the poorest sectors of society.

322. On the basis of the detailed information available to it, the Committee also wishes to emphasize its concern about the "militarization" of La Ciénaga-Los Guandules, the long-standing prohibition on improving or upgrading existing dwellings for the more than 60,000 residents of the area, and the inadequate and heavily polluted living conditions. The situation is especially problematic given that these communities were originally established as relocation areas for evicted persons in the 1950s. Since that time the Government has failed to confer legal security of tenure on residents or to provide basic civic services.

323. The Committee also notes that, on the basis of available information, the situation of the 200,000 persons residing in rooming houses in Santo Domingo would often appear to be below any acceptable standards.

324. The Committee is concerned about the effects presidential decrees can and do have upon the enjoyment of the rights recognized in the Covenant. It wishes to emphasize in this regard the importance of establishing judicial remedies which can be invoked, including in relation to presidential decrees, in order to seek redress for housing rights violations. The Committee is not aware of any housing rights matters that have been considered by the Supreme Court in relation to article 8 (15) (b) of the Constitution. Insofar

as this might be taken to indicate that the provision has not so far been subject to judicial review, the Committee expresses the hope that greater reliance will be placed upon it in future as a means by which to defend the right to adequate housing.

D. Suggestions and recommendations

325. The Committee draws the attention of the Government to the full text of its General Comment No. 4 (1991) on the right to adequate housing (E/1992/23, annex III) and urges the Government to ensure that policy, legislation and practice take due account of that General Comment.

326. The Government should ensure that forced evictions are not carried out except in truly exceptional circumstances, following consideration of all possible alternatives and in full respect of the rights of all persons affected. On the basis of the information available to it, the Committee has no reason to conclude that existing plans for forced eviction in Santo Domingo, to which its attention has been drawn, are necessitated by any such exceptional circumstances.

327. All persons residing in extremely precarious conditions, such as those residing under bridges, on cliff sides, in homes dangerously close to rivers, ravine dwellers, residents of Barrancones and Puente Duarte, and the more than 3,000 families evicted between 1986 and 1994 who have yet to receive relocation sites (from Villa Juana, Villa Consuelo, Los Frailes, San Carlos, Guachupita, La Fuente, Zona Colonial, Maquiteria, Cristo Rey, La Cuarenta, Los Ríos and La Zurza), should all be ensured, in a rapid manner, the provision of adequate housing in full conformity with the provisions of the Covenant.

328. The Government should confer security of tenure on all dwellers lacking such protection at present, with particular reference to areas threatened with forced eviction.

329. The Committee notes that Presidential Decrees 358-91 and 359-91 are formulated in a manner inconsistent with the provisions of the Covenant and urges the Government to consider the repeal of both of these decrees within the shortest possible time. The Government should seek to remove the military presence in La Ciénaga-Los Guandules and allow residents the right to improve their homes and the community at large. The Government should also give careful consideration to implementing alternative development plans for the area, taking full account of plans developed by non-governmental and community-based organizations.

330. The Committee suggests that in order to promote the objectives referred to in these observations the Government might consider the establishment of commissions, composed of representatives of all relevant sectors of society, in particular civil society, to oversee the implementation of Decrees 76-94 and 155-94.

331. The Committee requests the Government to apply existing housing rights provisions in the Constitution and for that purpose to take measures to facilitate and promote their application. Such measures could include:

(a) adoption of comprehensive housing rights legislation; (b) legal recognition of the right of affected communities to information concerning any governmental plans actually or potentially affecting their rights; (c) adoption of urban reform legislation which recognizes the contribution of civil society in implementing the Covenant and addresses questions of security of tenure, regularization of land-ownership arrangements, etc.

332. In order to achieve progressively the right to housing, the Government is requested to undertake, to the maximum of available resources, the provision of basic services (water, electricity, drainage, sanitation, refuse disposal, etc.) to dwellings and to ensure that public housing is provided to those groups of society with the greatest need. It should also seek to ensure that such measures are undertaken with full respect for the law.

333. In order to overcome the existing problems recognized by the Government in its dialogue with the Committee, the Government is urged to give consideration to initiatives designed to promote the participation of those affected in the design and implementation of housing policies. Such initiatives could include: (a) a formal commitment to facilitating popular participation in the urban development process; (b) legal recognition of community-based organizations; (c) the establishment of a system of community housing finance designed to open more lines of credit for poorer social sectors; (d) enhancing the role of municipal authorities in the housing sector; (e) improving coordination between the various governmental institutions responsible for housing and considering the creation of a single governmental housing agency.

334. The Committee urges the Government to revise the 1994 Master Plan of Santo Domingo to bring it into line with the obligations arising under the Covenant and to involve civil society in the revision and implementation of the Plan. Forced evictions should not be envisaged except in full compliance with the conditions noted above.

335. Subsequent to the appearance before the Committee of two representatives of the Government of the Dominican Republic, the Committee received information that, based on a recommendation by the Special Committee on Urban Affairs, decree 371-94 was promulgated on 1 December 1994, ordering the immediate eviction of two sectors situated on the banks of the Isabela River. In the implementation of this decree the Committee requests the Government to ensure its compliance with the terms of the Covenant and to take full account of the recommendations contained in these concluding observations. The Committee has also learnt that the problem of evictions is attracting attention in the country's press and is aware of the polarization which the issue is currently causing in Dominican society. The Committee feels that it could make a more comprehensive assessment of the problem of evictions if the Government of the Dominican Republic were to invite one or two Committee members to make an on site visit. The Committee therefore renews its request to the Government to send a two-person mission to the country and recalls that this request has already been endorsed clearly on two occasions by the Economic and Social Council.

3. Fifteenth session, 1996 (extract from the Committee's report, E/1997/22)

212. The Committee considered the second periodic report of the Dominican Republic on articles 1 to 15 of the Covenant (E/1990/6/Add.7) at its 29th and 30th meetings on 19 November 1996 and, at its 50th meeting on 3 December 1996, adopted the following concluding observations.

A. Introduction

213. The Committee expresses its appreciation to the State party for its report and welcomes the appearance before it of the Permanent Representative of the Dominican Republic to the United Nations Office at Geneva. The Committee notes with regret, however, that the Government of the State party neither provided written replies to the Committee's list of issues made available to it in January 1996, nor sent an expert delegation to present its report as it had undertaken to do at the Committee's fourteenth session in May 1996, when requesting the postponement of the consideration of its report to the fifteenth session. Consequently, the Committee was obliged, in accordance with its methods of work, to consider the second periodic report of the Dominican Republic without the benefit of a dialogue or the participation of an expert delegation. Nevertheless, the Committee notes the statement by the Permanent Representative of the Dominican Republic to the United Nations Office at Geneva that, although she was unable to take an active part in the Committee's deliberations, she would communicate to her Government the principal additional subjects of concern identified by the Committee in the course of its discussions.

214. The Committee notes with dissatisfaction that the report submitted by the Government of the State party was, like the initial report, not prepared in accordance with its revised guidelines regarding the form and contents of reports [E/1991/23, annex IV]. It also notes that information contained therein is incomplete and of a purely legal nature, without any reference to the situation concerning the practical realization of the rights set forth in the Covenant, and that the suggestions and recommendations formulated by the Committee in the concluding observations adopted at its eleventh session in 1994 [see E/1995/22, paras. 309-335] have not been addressed in the second periodic report. It further notes, with regret, the lack of information of a general character which the State party was supposed to have provided in a core document, which it has similarly failed to submit.

215. The Committee feels that the failure of the State party to respond to the list of issues and to send a delegation with competence to engage in a dialogue with it at its fifteenth session shows, on the part of the State party, a consistent pattern of disregard for its obligations under the Covenant and an unwillingness to cooperate with the Committee.

216. In this connection, the Committee wishes to express its gratitude to non-governmental organizations, both national ("Ciudad Alternativa" and COPADEBA) and international (Habitat International Coalition and International Women's Rights Action Watch), for the detailed and carefully documented information they have made available to it in relation to the Dominican Republic's report. In particular, the Committee draws the attention of the

State party to the document "The Dominican Republic: An independent report submitted to the UN Committee on Economic, Social and Cultural Rights by the International Women's Rights Action Watch".

B. Positive aspects

217. The Committee notes with satisfaction, from the information available to it from other sources, that the Government has repealed Decree No. 358-91, the application of which had previously negatively affected the realization of the right to adequate housing, and that it has provided a solution to the cases of eviction pronounced under previous Governments.

218. The Committee welcomes the information that the Government has undertaken a thorough review of the public health sector and is preparing a reform of the Health Code.

219. The Committee further appreciates the attempts being made in the Chamber of Deputies to recognize domestic violence as a public health issue and thus to discourage gender violence as a matter of public policy.

C. Factors and difficulties impeding the implementation of the Covenant

220. The Committee notes that the slow pace of evolution towards democracy and the rule of law in the Dominican Republic has inhibited the strengthening of democratic institutions, the modernization of the machinery of government and, consequently, the effective implementation of the Covenant.

221. The Committee also observes that economic difficulties characterized by, *inter alia*, an increasing number of impoverished people (60 to 65 per cent of the population live below the poverty line), a growing landless rural population, the high level of unemployment, especially in the cities, and the persistent large-scale emigration of skilled and semi-skilled workers have had a constraining influence on the implementation of the Covenant in the Dominican Republic.

D. Principal subjects of concern

222. In relation to article 2 of the Covenant, the Committee observes that the Dominican Republic has done very little to promote public awareness of the rights set forth in the Covenant. The Committee has been informed that abuses by the police and other security services persist.

223. The Committee notes with regret that, although in law United Nations human rights treaties become part of Dominican law upon ratification, in practice the judiciary does not apply these international treaties.

224. The Committee is particularly concerned about the exploitation of Haitians and their unacceptable living conditions in the *bateyes* [sugar cane plantations]. In this connection, it has no reason not to accept the veracity of various reports which emphasize the dire predicament of workers in the *bateyes*, especially women workers whose presence there is not administratively recognized and who therefore become vulnerable to extreme exploitation (their wages are 50 per cent lower than men's) and are often deprived of their rights

and the most basic health and social services. Both men and women in the bateyes, as well as Haitian workers in other sectors of the economy, live in perpetual insecurity and they constitute the principal national group in the Dominican Republic who are subject to deportation in inhuman conditions, often at the whim of employers who take advantage of the State's inaction to exploit the vulnerability of this group.

225. The Committee takes note of information from various sources concerning the arbitrary confiscation of identity cards and the illegal deportation during the 1995-1996 presidential campaign of persons of Haitian origin born in the Dominican Republic. This information stresses the insecurity prevailing with regard to nationality of Dominican citizens of Haitian origin. It thus appears necessary to adopt clear legislation on nationality, which would provide legal security to persons of Haitian origin born in the Dominican Republic and to their children; require the authorities to register births without discrimination; and allow Haitians to obtain Dominican nationality through naturalization under the same conditions as other foreigners.

226. The Committee is informed that Black Dominicans are often subject to the same arbitrary police and administrative discrimination as temporary Haitian workers. Groups representing Blacks in the Dominican Republic also claim that the State violates their cultural rights by allowing the police and local communities to suppress Afro-American or African-identified cultural practices. They also assert that discrimination of this kind is encouraged at public schools and by employers in both the public and private sectors.

227. The Committee also notes with concern that, according to information received from various sources, there is no mechanism for lodging complaints against the arbitrariness or corruption of some judges and that there is no appellate procedure for challenging the discriminatory application of a law, an executive decree or a decree of a court.

228. The Committee notes with great concern that State expenditures on education and training as a proportion of public expenditure are less than half their average in Latin America.

229. The Committee notes with concern that large-scale emigration of Dominicans has been going on for many years and has had and will continue to have a harmful effect on the Dominican economy, since a large number of emigrants are skilled workers. The State party will have to take measures in the educational and socio-economic fields to stem the outflow of skilled workers.

230. The Committee notes with alarm that, 30 years after the first industrial park was established in a free-trade zone in the Dominican Republic, unacceptable working conditions and abuses against workers' rights under articles 6, 7 and 8 of the Covenant persist.

231. The Committee notes with concern the inhuman and archaic prison system, whereby members of the family of an accused person who has run away may be imprisoned without trial in his place as a guarantee for the accused until he

surrenders himself to the prison authorities; and whereby prisoners are expected to buy their own meals at weekends, when the prison authorities stop providing them.

232. The Committee is concerned to note the persistent rise of "sex tourism" in resort areas, and the spread of the HIV/AIDS virus, which is one of the country's greatest health problems.

233. The Committee is particularly concerned that the enjoyment by women of economic, social and cultural rights is undermined by, inter alia: a traditional and persistent male-dominated society; the failure to ensure that single women heads of household benefit from the agrarian reform or the Government's housing programme; the absence of any administrative mechanism that allows women to file complaints in cases of discrimination by the Dominican Agrarian Institute; the failure of the Government to protect women workers from discrimination and arbitrary dismissal related to pregnancy, including failure to discourage employers from the practice of pregnancy testing; and failure to develop and promote family-planning services. The Committee is also concerned that, despite the very high rate of hospital births in the Dominican Republic, the rate of maternal mortality is unacceptably high; and that common-law marriages are not legally recognized, although 60 per cent of all marriages are of this nature, the consequence being that, in cases of separation, abandonment or the death of the male breadwinner of the family, a woman frequently loses everything and finds it difficult to acquire an identity card or collateral, without which she cannot obtain agricultural credit, housing or employment.

234. The Committee wishes to voice its serious concern about the continuing problem of violence against women and the insufficient attention paid to the problem by governmental institutions.

235. The Committee expresses its concern about the issue of limited access to safe drinking water for the rural population and those living in deprived urban areas, the higher incidence of infant mortality in certain socio-economic groups, the deplorable situation of persons with disabilities, the prevalence of endemic diseases, the inadequacy of social welfare and social security, the persisting housing shortage and the inadequacy of access to health care.

236. The Committee also calls attention to the various concerns it has expressed to the State party since its fifth session in 1990 in relation to the continuous violation of the right to adequate housing, and regrets that it has received an entirely unsatisfactory and inadequate response from the State party in this respect. The Committee reminds the State party of the significance it attaches to the right to adequate housing and thus to the adoption of measures by the State party to recognize, respect, protect and fulfil that right.

E. Suggestions and recommendations

237. The Committee invites the State party to confirm publicly its commitment to implementing its binding human rights treaty obligations. It strongly calls upon the Government of the State party to honour its obligations under the International Covenant on Economic, Social and Cultural Rights,

particularly through maintaining the proper direct and constructive dialogue with the Committee called for in the Covenant. The Committee proposes to adopt finally its concluding observations in relation to the State party at its sixteenth session. For that reason, the Committee decides that the present concluding observations will be considered "preliminary", pending further consideration of the second periodic report based on a dialogue with representatives of the State party at its sixteenth session.

238. In view of the consistent failure of the State party to meet its reporting obligations under the Covenant and to respond to successive requests for information made by the Committee over a number of years, the Committee urges the State party to attach the utmost importance to responding to the matters raised in the present concluding observations.

239. The Committee further recommends that the State party provide it with written replies (a) to the concluding observations adopted at its eleventh session in 1994 [see E/1995/22, paras. 309-335], in particular with regard to its request that the State party invite representatives of the Committee to visit the Dominican Republic; (b) to the list of issues drawn up in connection with the second periodic report (E/C.12/1995/LQ.7); (c) to information contained in the document "The Dominican Republic: An independent report submitted to the UN Committee on Economic, Social and Cultural Rights by the International Women's Rights Action Watch".

240. The Committee requests the State party to submit the information referred to in the preceding paragraph by 15 February 1997 in order to allow the Committee to consider it at its sixteenth session, to be held from 28 April to 16 May 1997.

241. The Committee strongly recommends that the specific information requested above be presented to the Committee at its sixteenth session by an expert delegation.

242. The Committee encourages the State party to disseminate widely the present concluding observations adopted by the Committee following its consideration of the State party's second periodic report.

Appendix III

DECISIONS OF THE ECONOMIC AND SOCIAL COUNCIL RELATING TO THE DOMINICAN REPUBLIC

1992/261. Technical assistance in implementing the International Covenant on Economic, Social and Cultural Rights

At its 32nd plenary meeting, on 20 July 1992, the Economic and Social Council took note of the decision of the Committee on Economic, Social and Cultural Rights to inform the Government of the Dominican Republic of the offer of the Committee, in pursuance of article 23 of the International Covenant on Economic, Social and Cultural Rights, to send one or two of its members to advise the Government in relation to efforts to promote full compliance with the Covenant in the case of the large-scale evictions referred to in the Committee's reports. The Council approved the Committee's initiative, subject to the acceptance of the Committee's offer by the State party concerned.

1993/295. Technical assistance to the Dominican Republic in implementing the International Covenant on Economic, Social and Cultural Rights

At its 44th plenary meeting, on 28 July 1993, the Economic and Social Council renewed its endorsement of the decision of the Committee on Economic, Social and Cultural Rights to inform the Government of the Dominican Republic of its offer, in accordance with the procedures for follow-up action adopted at the Committee's seventh session and in pursuance of article 23 of the International Covenant on Economic, Social and Cultural Rights, to send one or two of its members to pursue its dialogue with the Government in relation to the matters identified to promote full compliance with the Covenant in the case of the large-scale evictions referred to in the Committee's reports. The Council approved the Committee's action, subject to the acceptance of the Committee's offer by the State party concerned.

Annex VII

Letter addressed by the Chairperson of the Committee on Economic, Social and Cultural Rights to the President of the Economic and Social Council

12 January 1998

Dear President,

I am writing in my capacity as Chairperson of the Committee on Economic, Social and Cultural Rights, established by the Economic and Social Council by its resolution 1985/17 to assist it in the monitoring of the International Covenant on Economic, Social and Cultural Rights.

In the report of the Secretary-General entitled "Renewing the United Nations: A Programme for Reform" (A/51/950), a proposal is put forward for the Council's consideration "that the Committee on Economic, Social and Cultural Rights [should] report to the Economic and Social Council through the Commission on Human Rights" (para. 135, recommendation (f)). The report offers no explanation for this recommendation, although it is my understanding that it was originally linked to another proposal which was not included in the final report.

In practice, this recommendation, if accepted, has the potential to confuse rather than clarify the existing situation. At present, the Committee adopts its annual report to the Council at its session ending in December. The key recommendations are forwarded to the Commission for its information and all the relevant documentation is publicly available. The final bound version of the report is, however, often not available as a Council document until some time after the Commission's session has concluded in April, although it is available in time for the Council's summer session. Thus, if the recommendation is formalized, it could have the effect of delaying the Council's consideration of the Committee's annual report for some 18 months after its adoption by the Committee. At the same time, it would assist neither the Commission nor the Council in its efficient consideration of the work of this body.

In addition, the recommendation, if formalized, would have the effect of making the Committee on Economic, Social and Cultural Rights the only one of the six human rights treaty bodies which must first submit its report to the Commission on Human Rights, rather than to the Economic and Social Council or the General Assembly. The consequence of this change would be to put the Committee in an inferior position vis-à-vis all its peers, which again tends to give the impression that economic, social and cultural rights are less important than other human rights.

In order to avoid these pitfalls, the Committee suggests that the Council should not formally mandate the Committee to report through the Commission. Instead, the Council should request the Secretary-General to ensure that the report of the Committee is made available to the Commission for its consideration. This would achieve the objective sought by the Secretary-General without imposing any artificial delays or changing the standing of the Committee as an expert subsidiary body of the Council.

Yours sincerely,

Philip Alston
Chairperson, Committee on
Economic, Social and Cultural Rights

Annex VIII

Letter addressed by the Chargé d'affaires a.i., Permanent Mission of Canada to the United Nations Office at Geneva, to Mr. Philip Alston, Chairperson of the Committee on Economic, Social and Cultural Rights

13 October 1997

Dear Mr. Alston,

I am writing further to your letter of 27 May 1997, regarding Canada's third periodic report to the Committee on Economic, Social and Cultural Rights.

In your letter you indicated that the Committee intends to consider Canada's third periodic report at its eighteenth session, in the spring of 1998. However, it has been brought to my attention that under the normal, established procedures this report would be considered no earlier than 1999.

After a careful review of the situation, Canada has concluded that there are no special circumstances which might necessitate early consideration of Canada's report by the Committee. Given this, and taking into account our other reporting obligations at this time, I must inform you that Canada is not prepared to appear before the Committee at its eighteenth session. Naturally, we will be happy to present our report at a time consistent with the regular, established procedures of the Committee.

Yours sincerely,

Andrew McAlister
Chargé d'affaires a.i.
Permanent Mission of Canada
to the United Nations Office at Geneva

Annex IX

Letter addressed by the Chairperson of the Committee on Economic, Social and Cultural Rights to Mr. Andrew McAlister, Chargé d'affaires a.i., Permanent Mission of Canada to the United Nations Office at Geneva

29 October 1997

Dear Mr. McAlister,

I am responding to your letter of 13 October 1997 regarding the timing of the presentation of Canada's third periodic report to the Committee on Economic, Social and Cultural Rights. There would seem to be several misunderstandings and I would like to clarify these in the hope that we can agree to maintain the existing timetable set by the Committee.

The letter suggests that, in scheduling Canada's report for consideration in the spring of 1998, the Committee has failed to follow its "normal, established procedures". The letter does not elaborate on this point but I can assure you that it is not correct. On a number of occasions the Committee has made adjustments to its scheduling, in response to a variety of factors. To my knowledge no State party has challenged the appropriateness of the Committee using such a flexible and rational approach. In the case of Canada, as well as in other cases, including several which are currently pending, the Committee has explicitly indicated that it will adjust the scheduling of consideration of the report in the light of all the relevant circumstances. I would venture to add that, even if such precedents were not already clearly established, the Committee would not feel bound to maintain an anachronistic and counter-productive approach which it considered to be clearly suboptimal both from the perspective of the State party and from that of the Committee. Ultimately any treaty body must retain control over its own procedures and, in this case, there can be no doubt that the Committee has acted in accordance with those procedures. It is also of relevance in this respect that the Committee's approach conforms entirely with the practice of the Human Rights Committee, which has shown major flexibility in timing and has been prepared to take account of a wide variety of considerations.

The letter states that "Canada has concluded that there are no special circumstances which might necessitate early consideration of Canada's report by the Committee". As indicated above, this is hardly an assessment which is to be made by the reporting State. In this case, the self-assessment would appear to overlook entirely the lengthy and very particular circumstances of the situation. The matter has been under consideration for a very long time and the Committee has made clear in a series of communications to the Government of Canada that it is anxious to move ahead and examine the situation. Thus, for example, the Committee's letter of 5 December 1996 recalled its earlier letter of 4 May 1995 in which it had indicated that it would welcome the Government's observations on that issue in the context of Canada's third periodic report, which was due in 1995. The Committee observed that it had "received no reply to that letter, nor has the overdue report been received". It attached copies of various submissions received in the meantime from groups representing a diverse range of non-governmental organizations in Canada and noted that, in view of

> "the gravity of the concerns that have been raised, the Committee would greatly appreciate an urgent indication as to when the third periodic report will be submitted. If the timing of the submission of the report is not likely to be such as to provide the Committee with a timely opportunity to review the matters in question, consideration will need to be given to an alternative means by which the Committee might give effect to its responsibilities under the Covenant."

As early as 1994, discussions were held with representatives of your Government in which it was agreed that the Committee would not seek to proceed in the absence of a report but would rather wait until a report was submitted, provided that this was done in reasonable time. It was always clear that the Committee would then wish to move as rapidly as possible to examining the report in question.

The precedent which would be set if the Committee were to abdicate to every State party the right to determine when its report was considered, or if the Committee were to be strictly bound by the chronological order which is determined entirely by the timeliness or otherwise of the State party's submission of the report, would have potentially very adverse consequences for the work of the Committee and for the monitoring system as a whole. The Committee has been praised by States parties generally for its willingness to adopt procedures designed to improve the functioning of the system, and it has done so even in relation to the situation in which Governments have persistently failed to report. It would be both sad and ironic if Canada, which has so strongly supported these developments and the evolution of the treaty-monitoring system generally, were to see itself as being able unilaterally to stand aside from the application of approaches which it has been happy to see applied and developed in relation to other countries and by other treaty bodies.

There is, in my view, also a question of good faith. After repeated indications that the issues first raised by the Committee some four years ago (and with two federal elections having occurred in Canada since the Committee last considered an already overdue report) would be dealt with expeditiously, it is hardly appropriate for the State party to announce at the last moment that it is unwilling to cooperate with the Committee unless it can choose its own timing.

The position suggested in your letter would result in a situation in which, after making repeated requests for a report to be submitted as soon as possible (a procedure which has been applied sparingly, but nevertheless in a significant number of cases) and asking that matters which have given rise to particular concern on the part of the Committee be addressed, the Committee then let the report sit and become out of date for a further one or two years. Indeed, it is not easy to comprehend why any Government would seek to insist on delaying the examination of its report until such time as it was clearly out of date. That would make a mockery of the Committee and its procedures and would privilege formalistic considerations at the expense of efforts to protect human rights and to ensure that the objectives established by the Covenant are pursued by all appropriate means.

In conclusion, I very much hope that the Government of Canada will reconsider its position in the light of the clarifications offered in this letter and will accept the timing which has been determined by the Committee in accordance with its rules of procedure and which accurately reflects the legitimate expectations that have been generated at every step of this already rather drawn-out process. I would be grateful for your early advice so that I can know whether or not to circulate this correspondence to all members of the Committee in advance of the next session and to schedule the matter for urgent consideration.

Yours sincerely,

Philip Alston
Chairperson, Committee on
Economic, Social and Cultural Rights

Annex X

A. LIST OF STATES PARTIES' DELEGATIONS WHICH PARTICIPATED IN THE CONSIDERATION OF THEIR RESPECTIVE REPORTS BY THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AT ITS SIXTEENTH SESSION

ZIMBABWE	Representative:	Mr. T. T. Chifamba Chargé d'affaires a.i. Permanent Mission of Zimbabwe to the United Nations Office at Geneva
	Advisers:	Mr. C. L. Zavazava Minister-Counsellor Permanent Mission of Zimbabwe to the United Nations Office at Geneva
		Mr. M. Chikorowonda First Secretary Permanent Mission of Zimbabwe to the United Nations Office at Geneva
RUSSIAN FEDERATION	Representative:	Mr. Vladimir Varov First Deputy Minister Ministry of Labour and Social Development
	Advisers:	Mr. Kim Tsagolov Deputy Minister Ministry of Nationalities and Regional Policy
		Mr. Mikhail Lebedev Deputy Head Department of International Humanitarian Cooperation and Human Rights Ministry of Foreign Affairs
		Mr. Evgeniy Tchernetsov Deputy Head Department of International Cooperation and Public Relations Federal Migration Service
		Mr. Igor Chtcherbak Minister Plenipotentiary Deputy Permanent Representative of the Russian Federation to the United Nations Office at Geneva

		Mr. Oleg Malginov Senior Counsellor Permanent Mission of the Russian Federation to the United Nations Office at Geneva
		Mr. Youri Boitchenko First Secretary Permanent Mission of the Russian Federation to the United Nations Office at Geneva
		Mr. Vladislav Ermakov Third Secretary Permanent Mission of the Russian Federation to the United Nations Office at Geneva
		Ms. Elena Kalina Secretary
PERU	Representative:	Mr. Carlos Hermoza-Moya Minister of Justice
	Advisers:	H.E. Mr. José Urrutia Ambassador Permanent Representative of Peru to the United Nations Office at Geneva
		Mr. Javier Paulinich Minister Deputy Permanent Representative of Peru to the United Nations Office at Geneva
		Mr. Luis Reyes Executive Secretary National Council of Human Rights Ministry of Justice
		Mr. Luis-Enrique Chávez Counsellor Permanent Mission of Peru to the United Nations Office at Geneva
		Mr. Gonzalo Guillén First Secretary Permanent Mission of Peru to the United Nations Office at Geneva
LIBYAN ARAB JAMAHIRIYA	Representative:	Dr. Fauzi Bashir Al Badri General People's Committee for Health and Welfare

	Advisers:	Ms. Najat El Hajjaji Minister Plenipotentiary Permanent Mission of the Libyan Arab Jamahiriya to the United Nations Office at Geneva
		Mr. Mehdi Al Mejerbi International Organizations Administration General People's Committee for Foreign Liaisons
GUYANA	Representative:	H.E. Mr. Havelock R. H. Ross-Brewster Ambassador to the European Union

B. LIST OF STATES PARTIES' DELEGATIONS WHICH PARTICIPATED IN THE CONSIDERATION OF THEIR RESPECTIVE REPORTS BY THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AT ITS SEVENTEENTH SESSION

DOMINICAN REPUBLIC	Representative:	Ms. Mercedes Sabater de Macarrulla Secretary of State Adviser to the Executive and President of the National Council for Urban Affairs (CONAU)
	Advisers:	H.E. Mr. Ciricao Landolfi Ambassador Officer-in-Charge of Human Rights Department of State for Foreign Affairs
		Mr. Nelson Toca Simo Vice-President CONAU
		H.E. Ms. Angelina Bonetti Herrera Ambassador Permanent Representative of the Dominican Republic to the United Nations Office at Geneva
		Ms. Ysset Román Maldonado Minister-Counsellor Permanent Mission of the Dominican Republic to the United Nations Office at Geneva
IRAQ	Representative:	Mr. Dhari K. Mahmood Director-General Judicial Institute Ministry of Justice

	Adviser:	Mr. Mohammed Salman Counsellor Permanent Mission of Iraq to the United Nations Office at Geneva
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND	Representative:	Mr. Paul Fifoot Leader of the delegation
	Advisers:	Sir John Ramsden Deputy Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office at Geneva
		Mr. Robert Mace Department of Education and Employment
		Ms. Margaret Scott Department of Education and Employment
		Mr. Keith Masson Department of Trade and Industry
		Mr. Tudor Roberts Department of Social Security
		Miss Jill Moore Department of Social Security
		Dr. Wendy Thorne Department of Health
		Mr. Colin Wells Second Secretary Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office at Geneva
AZERBAIJAN	Representative:	Mr. Khanlar Gadjiev Chairman of the Supreme Court
	Advisers:	Mr. Khalaf Khalafov Deputy Minister of Foreign Affairs
		H.E. Ms. Sima Eivazova Ambassador Permanent Representative of Azerbaijan to the United Nations Office at Geneva

		Mr. Ilgar Ragimov Deputy Minister of Labour and Social Protection of the Population
		Mr. Adalet Veliev Deputy Minister of Culture
		Mr. Tofik Moussaev Third Secretary Permanent Mission of Azerbaijan to the United Nations Office at Geneva
URUGUAY	Representative:	H.E. Mr. Miguel Berthet Ambassador Permanent Representative of Uruguay to the United Nations Office at Geneva
	Advisers:	Ms. Susana RiverO Minister Deputy Permanent Representative of Uruguay to the United Nations Office at Geneva
		Mr. Sirio Badi Nadruz Inspector Chairman Primary Education Board
		Dr. Carlos Strozzi Director Chronic and Special Care Hospitals Programme State Health Services Administration
		Mr. Juan Pedro Lista Adviser Ministry of Labour and Social Security
LUXEMBOURG	Representative:	Mr. Paul Duhr Deputy Permanent Representative of Luxembourg to the United Nations Office at Geneva
	Advisers:	Mr. Alain Weber Second Secretary Permanent Mission of Luxembourg to the United Nations Office at Geneva
		Mr. Jean Zahlen Counsellor First Class Ministry of Labour and Employment

Ms. Maryse Fisch
Attaché
Ministry of Labour and Employment

Mr. Jacques Kuentziger
Senior Attaché
Ministry of the Family

Mr. Roger Consbruck
Ministry of Health

Ms. Mady Kries
Chief Inspector
Ministry of Social Security

Annex XI

A. LIST OF DOCUMENTS OF THE COMMITTEE AT ITS SIXTEENTH SESSION

E/1990/5/Add.26	Initial reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: Libyan Arab Jamahiriya
E/1990/5/Add.27	*Idem*: Guyana
E/1990/5/Add.28	*Idem*: Zimbabwe
E/1990/5/Add.29	*Idem*: Peru
E/1994/104/Add.8	Third periodic reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: Russian Federation
E/1996/40	Twenty-first report of the International Labour Organization
E/1997/22	Report of the Committee on Economic, Social and Cultural Rights on its fourteenth and fifteenth sessions
E/C.12/1990/4/Rev.1	Rules of procedure of the Committee
E/C.12/1991/1	Revised general guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the Covenant: note by the Secretary-General
E/C.12/1993/3/Rev.1	Status of the International Covenant on Economic, Social and Cultural Rights and reservations, withdrawals, declarations and objections under the Covenant: note by the Secretary-General
E/C.12/1997/1	Provisional agenda and annotations: note by the Secretary-General
E/C.12/1997/2	States parties to the International Covenant on Economic, Social and Cultural Rights and status of submission of reports: note by the Secretary-General
E/C.12/1997/3	Follow-up to the consideration of reports under articles 16 and 17 of the Covenant: note by the Secretary-General
E/C.12/1997/4	General Comment No. 7 (1997): The right to adequate housing (art. 11, para. 1, of the Covenant): forced evictions
E/C.12/1997/L.1	Draft programme of work: note by the Secretary-General

E/C.12/1997/L.1/Rev.1	Programme of work: note by the Secretary-General
E/C.12/Q/LIBYA.1	List of issues: Libyan Arab Jamahiriya
E/C.12/Q/GUY/1	*Idem*: Guyana
E/C.12/Q/ZIM.1	*Idem*: Zimbabwe
E/C.12/Q/PER.1	*Idem*: Peru
E/C.12/Q/RUS.1	*Idem*: Russian Federation
E/C.12/1	Concluding observations of the Committee on Economic, Social and Cultural Rights on reports submitted by States parties in accordance with articles 16 and 17 of the Covenant: note by the Secretary-General
E/C.12/1/Add.12	Concluding observations of the Committee on Economic, Social and Cultural Rights: Zimbabwe
E/C.12/1/Add.13	*Idem*: Russian Federation
E/C.12/1/Add.14	*Idem*: Peru
E/C.12/1/Add.15	*Idem*: Libyan Arab Jamahiriya
E/C.12/1997/SR.1-26 and E/C.12/1997/ SR.1-26/Corrigendum	Summary records of the sixteenth session (1st to 26th meetings) of the Committee on Economic, Social and Cultural Rights

B. LIST OF DOCUMENTS OF THE COMMITTEE AT ITS SEVENTEENTH SESSION

E/1990/5/Add.30	Initial reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: Azerbaijan
E/1990/6/Add.7	Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: Dominican Republic
E/1990/6/Add.9	*Idem*: Luxembourg
E/1990/6/Add.10	*Idem*: Uruguay
E/1994/104/Add.9	Third periodic reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: Iraq

E/1994/104/Add.11	*Idem*: United Kingdom of Great Britain and Northern Ireland
E/1997/22	Report of the Committee on Economic, Social and Cultural Rights on its fourteenth and fifteenth sessions
E/1997/55	Twenty-third report of the International Labour Organization
E/C.12/1990/4/Rev.1	Rules of procedure of the Committee
E/C.12/1991/1	Revised general guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the Covenant: note by the Secretary-General
E/C.12/1993/3/Rev.1	Status of the International Covenant on Economic, Social and Cultural Rights and reservations, withdrawals, declarations and objections under the Covenant: note by the Secretary-General
E/C.12/1997/5	Provisional agenda and annotations: note by the Secretary-General
E/C.12/1997/6	States parties to the International Covenant on Economic, Social and Cultural Rights and status of submission of reports: note by the Secretary-General
E/C.12/1997/7	Follow-up to the consideration of reports under articles 16 and 17 of the Covenant: note by the Secretariat
E/C.12/1997/8	General Comment No. 8 (1997): The relationship between economic sanctions and respect for economic, social and cultural rights
E/C.12/1997/9	Report on the technical assistance mission to the Dominican Republic of the Committee on Economic, Social and Cultural Rights
E/C.12/1997/L.2	Draft programme of work: note by the Secretary-General
E/C.12/1997/L.2/Rev.1	Programme of work: note by the Secretary-General
E/C.12/1997/NGO/1	Written statement submitted by the Committee on the Administration of Justice (United Kingdom) and the International Federation of Human Rights Leagues
E/C.12/Q/AZE.1	List of issues: Azerbaijan
E/C.12/1995/LQ.7	*Idem*: Dominican Republic

E/C.12/Q/LUX.1	*Idem*: Luxembourg
E/C.12/Q/URU/1	*Idem*: Uruguay
E/C.12/Q/IRAQ.1	*Idem*: Iraq
E/C.12/Q/UK/1	*Idem*: United Kingdom of Great Britain and Northern Ireland
E/C.12/1	Concluding observations of the Committee on Economic, Social and Cultural Rights on reports submitted by States parties in accordance with articles 16 and 17 of the Covenant: note by the Secretary-General
E/C.12/1/Add.16	Concluding observations of the Committee on Economic, Social and Cultural Rights: Dominican Republic
E/C.12/1/Add.17	*Idem*: Iraq
E/C.12/1/Add.18	*Idem*: Uruguay
E/C.12/1/Add.19	*Idem*: United Kingdom of Great Britain and Northern Ireland
E/C.12/1/Add.20	*Idem*: Azerbaijan
E/C.12/1/Add.21	*Idem*: Saint Vincent and the Grenadines [without a report]
E/C.12/1/Add.22	*Idem*: Luxembourg
E/C.12/1997/SR.27-54/Add.1 and E/C.12/1997/SR.27-54/Add.1/Corrigendum	Summary records of the seventeenth session (27th to 54th meetings) of the Committee on Economic, Social and Cultural Rights

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